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ONTARIO ADVISORY COMMITTEE ON CONFEDERATION

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M E E T I N G

held at

The Frost Building, Queen's Park, Toronto,

on

FRIDAY, FEBRUARY 2, 1968



VERBATIM REPORT OF PROCEEDINGS

ONTARIO ADVISORY COMMITTEE ON CONFEDERATION

Government
Publications

Meeting held in the Board Room, 6th floor,
The Frost Building, Queen's Park, Toronto,
on Friday, February 2, 1968

ONTARIO ADVISORY COMMITTEE ON CONFEDERATION

PRESENT

Mr. J. P. McMurtry

Prof. J. A. MacLennan

Prof. D. W. Stevenson

Prof. P. J. Perry

Dr. E. G. Kelly

M E E T I N G

Mr. J. P. McMurtry

held at

Dean W.R. Laidman

The Frost Building, Queen's Park, Toronto,

Prof. R. McWhinney

on

Prof. J. Neisel

Mr. J.H. Perry FRIDAY, FEBRUARY 2, 1968

Prof. T.H.B. Symons

Mr. D.W. Stevenson

Mr. R. McWhinney

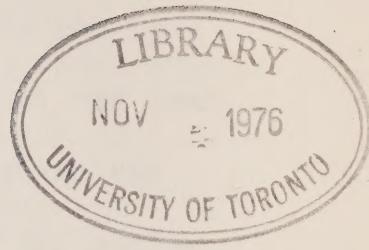
Mr. J. Neisel

Mr. J. P. McMurtry

Mr. G. Beer

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Meeting held in the Board Room, 6th floor,
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on Friday, February 2nd, 1968.

PRESENT:

Mr. I.M. Macdonald (Chairman)

of the Committee, and I am still preparing for the events

Prof. A. Brady

earlier in the day, and I am at that stage where we

Prof. D.G. Creighton

were not yet in a position of looking with specific matters

Prof. P.W. Fox

in the sense that it were; and therefore the task

Dr. E. Forsey

for the Conference which we had agreed upon at our last

Mr. G. Gathercole

meeting, was very timely in terms of focusing our

Dean W.R. Lederman

attention on the nature of our efforts and our skills

Mr. C.R. Magone, Q.C.

to those specific areas and specific matters.

Prof. E. McWhinney

However, I did feel that it might be

Prof. J. Meisel

useful to have a session here to get up to date on

Mr. J.H. Perry

any further advice that you might have of general

Prof. T.H.B. Symons

general nature before we go off next week.

Mr. D.W. Stevenson)

) Co-Secretaries

Mr. R.A. Farrell)

Mr. E. Greathed)

)

Mr. C. Beer) Secretariat

Miss C. Malone)

Mr. G. Posen)

--- At 11.00 a.m.

THE CHAIRMAN: Well, as you can imagine, we have been busily preparing for the events of next week and other matters. As I had indicated earlier, we were now down to that stage where we were on the verge of dealing with specific matters in negotiation, as it were; and therefore the task force activity which we had agreed upon at our last meeting was very timely in terms of focusing our attention and directing our efforts and our skills to those particular and specific matters.

However, I did feel that it might be useful to have a session here to get up to date and get any further advice that you might have of a more general nature, before we go off next week.

I thought it would be even more useful if there were an opportunity to discuss the conference with the Prime Minister, and to discuss with him directly the approach which he plans to take. Two or three days ago I did get his agreement, subject to his timetable, to come over this morning, and he is coming over here at 12.30, when we will have a discussion and he will stay over lunch.

He also wanted, within the limits that were set down for the size of delegations to the conference, he wanted to include some members of this Committee or at least a sampling of members

of this Committee; so he has invited the Chairmen of the three general sub-committees - Professor Brady, Dean Lederman and Mr. Perry - to accompany him and join the Ontario delegation to the conference next week.

I propose four items here, and you may wish to make other suggestions, or suggestions about the order of approach, but the first two might take us to the point at which the Prime Minister arrives, and I think he can perhaps describe in his own terms his thinking about this conference and how he has arrived at it. I could, however, give you a brief report on the details of the preparations we have made for the conference under item 3.

The following individuals definitely will not be with us: Dean Dillon, Professor Conway, Professor McIvor, Mr. Seguin and Father Matte, who was coming but was a victim of the weather in Sudbury and was not able to get away on the plane he had planned to take. I think one or two others plan to be along before themorning is out.

Are there any general questions before we go on to the agenda? Well, as to the task forces, I asked the committee of three (which I thought was the best way of doing this) to set up these task forces - Professor Brady, Dean Lederman and Mr. Perry. I thought it would be better if

they would set up these task forces and I actually did not even involve myself in that operation. This was done at a meeting a few weeks ago, and I gather that the committees met last week with some frequency. Therefore I thought we might have a brief report on the work of those task forces as a first item.

MR. GREATHED: Mr. Chairman, I will just report briefly on it. Last week six of them met: the one on the National Capital, the one on the Bill of Rights, the one on the Supreme Court, the one on the Senate, the one on the distribution of powers, and the one on the report of the Royal Commission on Bilingualism and Biculturalism. Don was present with Hugh Hanson from the Prime Minister's office and Sam Clasky for the Director of Research in the Municipal Affairs Department. They discussed a draft confidential paper on the subject of the National Capital, and perhaps Don would say something in detail about that.

MR. STEVENSON: Not too much to add, but Dr. Forsey and Mr. Perry only of the group were able to meet with us on Monday morning last, and we had a very useful session, I think, on a proposal which we were to discuss at a meeting in Ottawa with representatives of the three governments that Thursday. The discussions that we had on the

report were very useful when we went through the whole report and maybe some of you have seen since then that the day before yesterday a release was made simultaneously by the Prime Ministers of Quebec, Ontario and the Federal Government announcing the fact that these meetings had taken place, spelling out the objectives of the three governments and the membership of the preparatory committee which had been established. I hope that in the not too distant future there may be agreement to release a little bit further of the deliberations of the Committee, possibly on the establishment of a tripartite body to concern itself with matters of the national region; but I think all three of us were very happy that we had the task forces meeting just because it enabled us to raise several points that we might not have otherwise which will be brought up at subsequent meetings also.

PROF. CREIGHTON: Can you tell us something of what the task forces decided, because I was not able to get to any of these meetings and I would like to know what happened at the ones I could not attend and also the ones I was not scheduled to be a member of.

MR. PERRY: I don't know that we really decided or that we did anything that one could

describe as deciding. We went through a document that had been submitted to the Ontario Government and the Quebec Government by the Federal Government, the preamble to which was to be a joint declaration of intention, and we did spend a lot of our time just on the preamble because that was the thing that was imminent. The Prime Minister himself in Ottawa wanted very shortly to make a statement on this. I think it turned out that with one or two minor changes, the preamble or the statement of objects as submitted was nearly the one that the Prime Minister gave, wasn't it?

MR. STEVENSON: Very much.

MR. PERRY: Looked very familiar anyway.

DR. FORSEY: That has been published now, has it not?

MR. STEVENSON: Yes. Dr. Forsey, may I ask if there has been any reaction in Ottawa which I haven't got yet? I would be curious.

MR. PERRY: Beyond this, there were several pages getting down to much greater detail as to the kind of space that might come under a proposed tripartite council. Of course, this is where the going gets rough, because the Federal Government would like to entrust the planning of the whole region to this council and, of course, the provincial people say: "Well, this will

make rather pointless any metropolitan municipal council that we might set up there", and one goes right down the line this way.

I think a lot of the federal approach was based on the present and existing chaos in arrangements in Ottawa, and that much of this will be straightened out or unscrambled when there is one area government for all the 22 municipalities in Ottawa. I suspect this is what you do get whatever we do.

MR. STEVENSON: I might add today in Ottawa the Minister of Municipal Affairs will be making an announcement on the Ontario Government proposals regarding regional government in the Ottawa area. We thought it was very useful to have had the statements of the three governments in advance of that, so that it will be known very clearly on the Ontario side that the regional government in Ontario must fit into the context of an agreed solution to the whole question of the future of the Ottawa area as decided by the three governments.

PROF. SYMONS: Mr. Chairman, would it be possible to get for members of the Committee copies of the announcement of the Minister of Municipal Affairs and also copies of Mr. Pearson's announcement?

THE CHAIRMAN: I am sure I could.

Mr. Pearson's announcement --

MR. STEVENSON: Mr. Pearson's, Mr. Robarts', and Mr. Johnson's. We can get them before the end of the day.

THE CHAIRMAN: It is the same announcement, is it not?

MR. STEVENSON: Same announcement, released simultaneously by the three Prime Ministers.

PROF. SYMONS: It was not reported quite that way in the press.

THE CHAIRMAN: Was it not?

PROF. SYMONS: It was described really as Mr. Pearson's announcement based on consultation.

MR. PERRY: He is the only one that seemed to get in the paper, the only one that was mentioned.

DR. FORSEY: My impression of the proposals that were before us, that were discussed, is that it was all pretty cautious and tentative, and that there was nothing extremely inflammatory about the whole thing for anybody - except perhaps Mayor Reid.

THE CHAIRMAN: His words were that he was hit like a bombshell, which rather suggests he had never heard of the idea.

MR. STEVENSON: I might say our Department of Municipal Affairs on Mr. Robarts'

suggestion got in touch with Mayor Reid before the announcement so that he would be quite aware of what was coming.

THE CHAIRMAN: So he knew the bomb was coming even though it hit him like a bombshell.

MR. STEVENSON: Was there any other detailed reaction in Ottawa, Dr. Forsey?

DR. FORSEY: No, I felt quite reasonably happy with what was there. I don't know whether anybody who wasn't on hand wants to ask specific questions.

MR. PERRY: It is awfully difficult to go much further without getting into all the infinite detail that will be involved eventually.

THE CHAIRMAN: Can we go on then?

MR. GREATHEDE: The second group meeting last week was one on the Bill of Rights. I think they discussed two major aspects: the impact of the proposed federal charter on areas of provincial jurisdiction, and the difficulties of entrenching that charter in the constitution.

I think the general advice that this task force submitted for Mr. Robarts' immediate consideration was that Ontario should agree with the principles as expressed in the Bill; point out at the same time that it had made a number of significant steps in this field within the province, in particular with respect to Human

Rights Code; and point out too that Ontario was about to receive the report of the McRuer Commission on Civil Liberties, and that it would have to study that report before taking into account the suggestions raised by the charter.

I don't know if Dean Lederman, who was chairman of that committee, wants to add anything to that. It is a very brief report.

DEAN LEDERMAN: I think that is it essentially, Mr. Chairman. We covered a lot of ground. We would normally have a lot of ground that we have been over before, of course, in some detail, and these points about the extent to which you accept special entrenchment in the over-riding sense for the whole country in the British North America Act or its successor document, but this question is one that has great difficulties about it. Do we go all the way to the American position? I think the sense of our advice there was that there are a lot of problems here, and with all the sympathy in the world for the general principles of Volume I, B and B, let us be a little bit careful about the method, and not get committed to a method that will carry us further than we want to go. The special entrenchment thing has to be looked at very carefully.

The real case for special entrenchment, in my own view, is that you must specially entrench

the freedoms and liberties upon which the personal liberty and the parliamentary system itself depends, and that you do not go much further than that.

As I say, this is on ground we have been over before. That really was about as far as we went with it.

PROF. CREIGHTON: Apart altogether from the question of special entrenchment, did the task force agree to advise the Prime Minister to accept the recommendation of the B and B Commission with respect to section 133?

DR. FORSEY: That came before another task force, I think, didn't it?

PROF. McWHINNEY: I think there is a clear answer, though, to this, and I think, Ed, your statement is a bit more affirmative than certainly the task force position was, and Bill's statement is, I think, nearer to it. Certainly there was no positive recommendation that the recommendations on 133 and 94 be adopted. I don't think that point was raised. I think we stopped short of recommending the adoption of the principle of the Federal Bill. I think our agreement was that protection of civil liberties was important, but there may be many other methods of doing it.

Certainly, since it is now an issue between Premier Johnson and the Federal Government in the last day, I don't think the task force went so far as to suggest approval of the principle of

the present Federal Bill. I do not exclude such an adoption, but I think it is correct, is it not, Bill, that we had grave reservations about particular methods such as entrenchment through one fundamental Act.

THE CHAIRMAN: I wonder if Mr. Greadethed was referring, when he used the term "principle" to the motherhood concept or went further than that?

MR. GREADETHED: Mr. Chairman, I had to work on the basis of secondhand reports, because I was not present at most of these meetings, but at the same time I know their content.

PROF. McWHINNEY: I was not suggesting you were misrepresenting the position, Ed. It was simply the statement of approving the principle of the report. It is now an issue, of course, since Johnson has raised the issue directly in the press conference yesterday, whether this is a priority, having a particular bill.

I think our emphasis was rather on the fact that Ontario had taken very concrete steps, such as Mr. Davis outlined at the Confederation of Tomorrow Conference, and the lack of a pragmatic, empirical basis; and that there were other ways of protection besides an entrenched Bill of Rights. I think this did not necessarily exclude it.

DEAN LEDERMAN: When I said "principle", I think the provinces ought to be very sympathetic

to establishing the language rights spoken of in Volume I, B and B, but you don't necessarily do it by that method.

PROF. CREIGHTON: That is, you do not do it by the method of guaranteeing groups rights in the Bill of Rights.

DEAN LEDERMAN: The only way in which the Federal Government is putting it forward at the moment, Section 133 in the British North America Act over-rides everything. We might end up doing that. It may be worth the price of what is in the rest of the package, who knows. I don't think one says now: "We will do it". I think one says: "All right, we will do this somehow, but let us talk more about it".

PROF. CREIGHTON: It goes more than that. I mean, we discussed this method in an endless way in this Committee. I am sure we have come to the conclusion it is impossible to do this, and that there is no point in affirming a principle if we don't see our way to do it.

DEAN LEDERMAN: I am not sure what you mean by "principle". If one means in substance establishing the sort of language rights that the B and B Commission talks about in the language districts and so on, and the proceedings of the Legislature and so on, that can all be done by ordinary statute, ordinary measures. I am

sympathetic to doing as much of it as we can in that way. To me, doing it in principle means doing it in substance, and does not involve you in the question of methodology. That is all I am saying.

THE CHAIRMAN: I am sorry, I am a little unclear, and perhaps others are. Are we talking about Section 133 or Mr. Trudeau's proposed Bill of Rights?

PROF. McWHINNEY: The point Bill was making was that the ~~Federal~~ Government has selected a particular methodology for achieving, if you wish, civil liberties of whatever sort, whether they are B and B language rights in the strict sense, or general rights, that is to say, an entrenched Bill.

Now, our task force very clearly received with skepticism the notion that an entrenched Bill, whether it is for the B and B rights or for general rights, is a panacea for political ills, and I felt we generally suggested ---

DR. FORSEY: May I say, Mr. Chairman, that as far as I am aware, it was another task force which dealt specifically with B and B recommendations, a task force presided over by Professor Fox; and that I think possibly the further discussion of this particular point might be stood over until we get to Professor Fox's specific report of the specific task

force on this specific point.

PROF. MEISEL: Could we have a report from all the task forces and then discuss the questions? Otherwise we will never get finished.

THE CHAIRMAN: All right.

MR. GREATHEDE: The third group was the group on the Supreme Court and, as it was reported to me, there were three problems that they discussed: the question of increased bilingualism in the Court itself, the question of the influence of the common law on the Quebec Civil Code, and the question of the power of appointment of Judges to the Supreme Court.

I think with respect to the question of bilingualism in the Supreme Court there was some feeling, as I gathered, in the committee, that the essential difficulty, as expressed by French-speaking Canadian lawyers was that if they would be understood by the majority of persons in the Court they had to plead their case in English, and therefore very often the nuances of their argument were not as well expressed as they might have been if they had been able to do it in their mother tongue.

There was some feeling too about the question of the influence of the common law and the flexible code; that the two streams of law very heavily influenced one another, and that this process should in no way be terminated.

On the question of the appointment of

Judges, there was some feeling too that some way might be found to improve the image of the Court in respect to appointments, without in any way impairing its efficiency.

Several proposals were tentatively advanced by the task force; for example, the requirement of a reading knowledge of French by the Judges, the question of perhaps limiting the oral pleadings stage, the suggestion that maybe the number of Judges could be increased, and the suggestion that perhaps a nominating committee or nominating commission might be appointed to consist of the Chief Justice of the Supreme Court of Canada, a provincial Chief Justice, some lawyers from the provincial Bar Association, and private citizens, in order to assist the Minister of Justice in his selections.

These were all tentatively proposed. I did not get the impression from the report I had on this task force, that these were firm recommendations, but perhaps again Dean Lederman, as chairman of that group, might want to say something.

DEAN LEDERMAN: I think you described very fairly the range of the discussion. We did not feel that the structure of the Supreme Court was going to be an issue in detail, or was going to be an issue in the forthcoming conference, but it

may be mentioned.

We were discussing the range of possibilities and things that might be considered in the way of change. I think that describes fairly what we discussed.

MR. GREATHED: On the Senate group, unfortunately only two members of the task force could be present, so I think it is fair to say that there was some general agreement that a substantive discussion of any proposals with respect to the Senate might be postponed. Dr. Brady, would you want to add to that in any way, or Mr. Magone?

PROF. BRADY: Well, it is true there was only Mr. Magone and myself present, and we talked in general terms, I think, about the Senate, and discussed some of the points raised by Professor Watts of Queen's in his interesting paper. I do not think we attempted to reach any definite agreement or conclusion.

MR. MAGONE: I didn't think we should. There were only two of us and I thought that we should postpone it. There was some discussion, as you say.

DR. FORSEY: Do you have before you something from the Secretariat on this subject, a document?

PROF. BRADY: Yes.

MR. MAGONE: There was something.

DR. FORSEY: What was the substance of it?

Did it make definite recommendations about what was to be done or what?

PROF. BRADY: It raised questions, as I recall; I think it summarized the gist of the Watts paper, stressing the question that the real issue of the Senate was whether it should be made a more federal second chamber than it is. At the present time it is not a second chamber in the federal sense, that is, in the sense that local governments, provincial governments, have any particular voice in its constitution, in its personnel; and certainly Senators in no direct way feel responsible to provincial governments or to provincial electorates. They are nominated for life and, as federal nominees, they are quite free to take any position they wish on questions of federal-provincial relations that may come up in legislation or in questions of policy.

A federal Court would obviously be one that would represent either federal governments or federal electorates, and the question confronting Canada, where it is going to revise or change its Senate, would be a question of deciding whether it wants to constitute a federal Senate in that sense. I think that was the basic point that was raised in the discussion that we had.

MR. MAGONE: We even discussed abolishing the Senate, didn't we?

MR. GREATHEDE: It is a point you raised, I believe, Mr. Magone.

PROF. CREIGHTON: I thought the Senate was a federal Senate because its members happen to be appointed by the central government.

DR. FORSEY: Mr. Magone was kind enough to hand me that document that was submitted. It appears to be substantially a summary of Professor Watts' proposals, and then on the very important question of the powers of the Senate there is this series of questions.

Is there any intention on the part of the Government of Ontario to take up a position on this, or shall we be hearing about that?

THE CHAIRMAN: Yes, I think we might wait until we come to that section, Eugene.

DR. FORSEY: Because it is a rather important matter. If the Senate is given, whether it is a revised version of the Senate or the present one, some of the powers that have been suggested by certain people, we may be into a dog's breakfast, to say the least of it.

MR. GREATHEDE: On the task force that met with respect to distribution of powers, I think that our immediate hope was that the particular task force could come up with a number of suggestions

with respect to principles that Mr. Robarts might constitute on February 5th during the conference, and any suggestions on specific proposals that Ontario might have with respect to constitutional change.

That task force had the benefit of some notes by Dr. Forsey, which were in response to the reported paper from the Quebec Government that was released to the Globe and Mail on January 20th.

The general advice which was tendered by this task force, the immediate advice (and they had to work very quickly on a rather complex subject) was that first there should be some permanent machinery established to examine the entire question of constitutional change in as orderly a fashion as possible; second, that there should be some attempt to look again at the question of the patriation of the constitution; third, the point that might be emphasized that in any process of redistribution of powers this was a two-way street, and that powers could possibly be given both ways.

The task force looked at a number of specific proposals of the reported Quebec paper, and commented on those in some detail. I don't know who is the chairman of that particular committee.

DEAN LEDERAMN: Dr. Brady.

MR. GREATHEDE: Would you agree that that

is a correct summary?

PROF. BRADY: Yes.

MR. PERRY: May I just put a question mark beside your use of the word "permanent" in describing the future arrangements. I think what we had in mind was that the Premier must show an open-mindedness to the point of proposing that some specific committees or other procedures be set up to consider any points that are raised at the conference, rather than simply piously promising consideration; but I personally had not in mind that this would be permanent machinery in the sense that might be the existence forever from now on.

DR. FORSEY: Can we be given any definite idea of what the task forces recommended in regard to some of these crack-brained proposals that apparently are being bandied about in Quebec government circles, such as the proposal on the question of jurisdiction over naturalization of aliens, that paramourcy should rest with the provincial Legislature? That is one I had never heard before and I would very much like to know what the reaction of the task force was to it.

PROF. CREIGHTON: And over the recommendations with respect to Canadian Broadcasting.

DR. FORSEY: Yes, that is right.

PROF. McWHINNEY: By the way, were you discussing this in the abstract on the basis of

Globe and Mail reports or were you able to get or did you try to get any confirmation of whether there is such a Quebec paper?

THE CHAIRMAN: The Globe and Mail report, it appeared, was gratuitous.

PROF. McWHINNEY: Fortuitous?

THE CHAIRMAN: Gratuitous.

PROF. McWHINNEY: Le Devoir re-published it with commentary, and the Montreal Gazette published an identical ---

PROF. BRADY: Re-published from the Globe and Mail?

PROF. McWHINNEY: It published a long Claude Ryan editorial discussing it point by point. The assumption is it was an official leak.

THE CHAIRMAN: No, it wasn't.

PROF. CREIGHTON: What do you mean by the word "gratuitous"?

THE CHAIRMAN: In the sense that it was not an official statement or leak or trial balloon or anything.

PROF. McWHINNEY: Pure speculation.

DR. FORSEY: What I saw from Johnson, there had been a lot of working papers going around and one of the Xerox copies apparently had fallen into somebody's hands. For a man of the substance of Daniel Johnson that needs a long spoon. I take that statement with a very great deal of

skepticism. The whole thing looks like a calculated leak to see what the reactions would be.

In any case it is significant that this kind of proposal is apparently circulating even in the working papers, and it seems to me that it is possible something of the sort may come up and we had better have a pretty clear idea of what kind of advice has been tendered to the Government of Ontario if it does come up to the rather crucial point.

MR. STEVENSON: I might say a reading of the Quebec preliminary statement at the Confederation Conference would show perhaps two-thirds of the same things that did appear in the --

PROF. CREIGHTON: At least two-thirds.

MR. STEVENSON: -- in the statement in the *Globe and Mail*.

DR. FORSEY: That preliminary statement - "open the gates as wide as the sky and let the King go riding by" - it could cover anything under heaven.

PROF. McWHINNEY: I suppose it is no longer meaningful, but the Quebec report about three days ago is more detailed and more nuanced than the proposals ---

MR. STEVENSON: We have it.

THE CHAIRMAN: My only point is, let us not worry about newspapers.

PROF. McWHINNEY: There is no time now

anyway.

PROF. BRADY: It would be ridiculous to devote a great deal of attention to examining a newspaper report. All kinds of cracked ideas appear in the newspapers from the reporters, and I think it would be just a waste of our time, when there is a specific submission made by Quebec about what changes in the British North America Act and the distribution of powers it wants. We should certainly get it and examine it and discuss it, but I hope we won't waste any time discussing newspaper reports, which very often are unreliable.

PROF. SYMONS: Mr. Chairman, when Dr. Brady refers to the specific document, does he mean the nine-page document that is largely a reaction to the Trudeau 174 page report?

DEAN LEDERMAN: We are talking about the Frank Howard report out of Quebec city.

THE CHAIRMAN: Your comment was propositional.

PROF. BRADY: Rather. I was not suggesting to refer to any specific submission of Quebec. There will be presumably next week. I was not referring to one. I don't know of one.

PROF. SYMONS: There was a report this morning of a nine-page document which is an official reaction from Johnson to Trudeau.

THE CHAIRMAN: I can tell you what that

is, and it is not an official reaction. It is the section of their brief which is to be presented next week, that section bearing on the Bill of Rights item, and it was released by them yesterday in order to let their position be known as quickly as possible, so that their position next week would not be interpreted as a reaction to Trudeau but rather as a positive proposition of their own.

PROF. McWHINNEY: It is this thing on the editorial page. You have the original text, I believe.

THE CHAIRMAN: I had it orally.

DEAN LEDERMAN: Mr. Chairman, the question is being asked: what did this task force do? Of course, we considered the Frank Howard despatch out of Quebec City. We discussed it, and we went through Dr. Forsey's paper first, and Dr. Forsey pointed out a lot of the traps in the proposals, and I pointed out some more, and said we have got to handle this very carefully. We did not take any position on either trying to get more federal powers or giving away federal powers. We did not give any advice to take any position about giving away powers. We just said that this is a great big issue, there are all kinds of things here that want weeks and months of study; and all that we think Mr. Robarts can do with it now is to ask that the conference set up machinery to

see that this range of things is studied.

DR. FORSEY: That is fair enough.

THE CHAIRMAN: That is what is going to be done as a matter of fact.

DR. FORSEY: I only want to add this, that Mr. Frank Howard's long connection with Quebec leads me to think one has to treat his remarks as rather more than the casual observations of a cub reporter, and that, as the Chairman has pointed out, a great deal of what appeared in his despatch would appear to be merely dotting the i's and crossing the t's of what had appeared in the preliminary statement of Quebec at the Confederation of Tomorrow Conference. However, I have now got the answer to my question from Dean Lederman and I am quite happy with that.

DEAN LEDERMAN: Yes, we were not taking any hard and fast positions. We thought that the whole thing was far too complex for that.

MR. PERRY: I was present at the meeting, Mr. Chairman. I think the task force demonstrated that it could quickly bring to bear practised resources of talent whenever the precise list was available.

THE CHAIRMAN: I think we are happily just about at that day.

MR. GREATHEDE: I simply report then, Mr. Chairman, on the task force that met on the Royal Commission on Bilingualism and Biculturalism,

that they had a paper in front of them which outlined the plans of the Ontario Government both with respect to the immediate steps it might take in task forces in addition to the task forces of the Advisory Committee that it would be setting up.

The advice tendered by the task force was that we should agree with the philosophy of the report; we should emphasize the educational advances that had been made in Ontario with respect to meeting the needs of Franco-Ontarians; above all what should be emphasized in Mr. Robarts' statement is what can be done, and that the group agreed that apart from this and apart from the possibility of Mr. Robarts outlining the plans of Ontario in this respect, that a more detailed examination of the report through the various task forces was clearly bound to come after the Conference. Professor Fox, is that ---

PROF. FOX: Well, I think that is quite an accurate account. Perhaps a few more details might be given, Mr. Chairman.

I might just add that this task force was well attended. I think we had all our members present - Dr. Forsey, Father Matte, Professor Meisel, and Dr. Brady dropped in for a short period when he was in the building.

We did devote some attention to Section 133 and in particular the proposed revision of it as

recommended by the B and B report; and amongst other things we discovered an error that I think Bill Lederman had also discovered in the report. There is apparently a line of type or some such thing dropped out which actually involves the present recommendation in a reduced recommendation from what now exists. In other words, it does not require the use of both languages in printed records and journals and so on from the House, which is a curious omission.

DR. FORSEY: It is in the French text. I don't think anything is left out.

PROF. FOX: That is interesting.

DR. FORSEY: I don't remember any of that coming up. I am quite sure it is there in the French text.

MR. POSEN: It was brought up on the Supreme Court.

PROF. FOX: Maybe I have confused two meetings. Bill brought it up in the Supreme Court. I had noticed it earlier and I was quite struck, and I see it is an omission.

DR. FORSEY: It is there in the French text.

PROF. FOX: We did discuss at some length the recommendation in the report that the three provinces of Quebec, Ontario and New Brunswick ought to declare themselves officially bilingual. We

understand that the Prime Minister of Ontario has an opinion upon that, and perhaps we can discuss that later.

We also spent a little time discussing in the field of the problems of applying the recommendations/local government in particular. In this connection it was especially useful to have this report which Mr. Greathed referred to, which was an outline of the task forces that had been set up in the various departments of the civil service of Ontario to attempt to implement some of these recommendations, or at least to meet the goals that are proposed in those recommendations.

I think it is fair to say we all felt we had a fruitful discussion. We felt this was a topic that could not be settled by only one meeting, and I mention this because it may be relevant to our future proceedings. I think the feeling was that we should have a future meeting of our task force on the B and B at a later date and look into the recommendations in more detail.

DR. FORSEY: Presumably then we would have the results of the investigation by the various departmental officials.

PROF. FOX: We would have more information, I presume. Perhaps I have omitted something that the other members who were present

might like to add.

DR. FORSEY: I think one thing that emerged very clearly was that the question of simply saying: "Yes, Ontario will accept the proposed new Section 133" was simply not among the cards. At the moment the Prime Minister apparently has no intention of doing it. I must say that I entirely agree with him on this. For what my twopennyworth is worth, I do not think it is practical to do so, although the investigation should be proceeding before any such declaration is made and the results should be available. I think also we had some indication that the Prime Minister was going to propose certain immediate steps and certainly not certain other immediate steps.

THE CHAIRMAN: Yes, I thought I would, in summarizing the position he is going to take next Monday, I was going to spell that out in some detail to put it in context.

Perhaps, unless there are specific points arising out of the task forces, we might go on, because as I say, when I spell out the position here it will put the whole argument in context and then we can get into the matter.

Coming to item 2, to report briefly on the coming conference, as you know the items to be considered are, in this order, first of all Bill of Rights which has now been tabled in the Parliament

of Canada and made public.

MR. STEVENSON: Of which we are having copies run off right now of the basic elements of Mr. Trudeau's paper which we will distribute before the end of the meeting.

THE CHAIRMAN: And that included leading into discussion of the language question; then that to be followed by other constitutional matters and that to be followed by regional economic disparities.

Now, the reason that they have put forward the agenda in that form leads me to report briefly on the visit we had here a week ago Sunday by Federal Ministers and officials. I do not think there is any breach of confidence in this, because the position has now been well spelled out by Mr. Trudeau and others and in the press; but briefly it was the very clear and unequivocal view of the Federal Government as expressed by Mr. Trudeau, that the whole question of language and language rights within the broader context of human rights and civil rights and so on should be treated first, and they should all be tidied up and everyone then should be happy about the future of the country with respect to language; then we should go on and deal with constitutional change and tidy that up, in order not to confuse the language question with the intergovernmental questions, so to speak, in

order not to leave any impression that Quebec is French Canada; and therefore the only way of dealing with the language problem and the question of the two races in the country or the two language groups in the country, I should say, would be by making special arrangements for Quebec, and in the course of that I think it has come out pretty clearly that one is shaping up to have a pretty strong confrontation between Mr. Trudeau and the Federal Government on the one hand and Quebec on the other.

I personally regret the intolerance of the language that seems to be creeping into what should be a cool and dispassionate examination of the facts and issues properly conceived and properly discussed; but it seems to be shaping up that way, and I am wondering how long it will be before Mr. Johnson rejoins to the kind of provocation that seems to be contained in the language there.

DR. FORSEY: My gosh, if anybody has had provocation it is the government of Canada from that same slippery fox.

THE CHAIRMAN: As far as Ontario now is concerned, I think this sharpens more than ever the responsibility on us too to consider what position the government here can take in a situation in which these lines seem to be drawn fairly sharply.

I think our position mainly is that we should attempt to consider what is right and proper

for its own sake and in its own terms, and that Ontario should try and find that position; bearing in mind, however, that it will be regrettable if the confrontation is so sharp that there is no ground for reconciliation, and also adding that in the view of the Ontario Government the sharpness of this sequence is overdrawn - possibly tidy up all the language and then get on to constitutional matters.

It is the view of the Prime Minister of this province that there is a great deal of constitutional change that is valid and worthy of consideration for its own sake, and that it should not necessarily be deferred and in fact we should be prepared to deal with it.

Consequently the proposals will go forward that: "Yes, let us once and for all establish machinery and means of discussing these questions, and let us get on with the job and get out of the realm of the theoretical and get down to some practical considerations"; but as far as this conference is concerned, in two and a half days of work it is clearly not going to solve matters, and I think it is quite clear that even Mr. Trudeau's hope (if he could possibly believe that this hope could ever be realized) hope of getting the Bill of Rights accepted and settled in two and a half days, is not going to be achieved either.

So that the issues, I think, will all be put out and perhaps put out in a more orderly way than we have had before, and understood better than has been the case before. Then in the next twelve or eighteen months the real task will be to get down to the hard job of hammering out changes.

I think it seems finally as if everything we have been working for is about to come; that there will be an opportunity to formally and thoroughly and comprehensively deal with these matters. I certainly think that our own task forces, as far as this Committee is concerned, are constructed and set up in a way that will be able to deal with the particular matters which seem to emerge out of this exercise.

That is a brief report on the stage setting, so to speak, and I pause there, and then, as I say, I can go on and spell out in greater detail the particular propositions which the Prime Minister will put next week, and then you can discuss that with him and he can explain his reasoning if he chooses to do that.

MR. PERRY: Can we take it, Mr. Chairman, that Mr. Trudeau has visited all provincial governments?

THE CHAIRMAN: Yes.

MR. PERRY: Has outlined these subjects and since extended an invitation to provincial

governments to bring forward their points of view on these areas?

THE CHAIRMAN: I wouldn't say the invitation was very strong.

MR. PERRY: In other words, who is setting the agenda here?

THE CHAIRMAN: I should have added, for example, on the agenda the question of regional disparities was added and put on at the request of the Premier of Nova Scotia; but I think many governments, including our own, will immediately question the logic of the thesis that solves the country's economic problems first and then leaves the constitutional discussions for later on. I think in fact the Federal Government cannot anticipate that this will be accepted, because otherwise they would not have proposed that machinery be set up to deal with the constitutional questions.

PROF. BRADY: In fact trying to solve the linguistic problem by a Bill of Rights is threatening the constitution itself, since an entrenched Bill of Rights is pretty profound or could have fairly profound constitutional implications; so Mr. Trudeau's first item on the agenda will provoke a great deal of constitutional discussion, and that may be unfortunate from the point of view of the conference dealing with, let us say, the wider recognition of the French language in Canada.

THE CHAIRMAN: There does appear to be a logical inconsistency there, to say: "Leave the constitution till later, but we will start out with the Bill of Rights."

PROF. McWHINNEY: It is raised directly, you see, in Mr. Johnson's rejoinder. He says immediately: "If you entrench it you obviously raise the issue of interpretation, and we will want the issue of the reformation of the Supreme Court discussed"; but he also makes another interesting point so far as the Trudeau book or booklet apparently invokes these recent U.N. covenants that have just been adopted, U.N. General Assembly. There is apparently some reference in the Trudeau book that says you have to re-examine the Labour Conventions decisions, that the implementation power must go by the fact of signing the treaty. So Premier Johnson's statement of rejoinder says: "How can you possibly discuss this now, without discussing the foreign affairs power?" because it raises directly whether the Privy Council decision of 1937, which Quebec supports, is to be overthrown or not.

This sort of raises the issue of what would Mr. Robarts do if the apparent trial balloon which was tried a week ago, discussion of the division of powers issue were raised fairly and squarely? I take it it would be, as the task

force suggested, that he believes that should be studied.

THE CHAIRMAN: I think this is awfully important. There is a prior question. Am I correct in assuming that once you were to deal with the type of Bill or objectives which Mr. Trudeau has put forward, willy-nilly you would have to deal with the Supreme Court, this foreign affairs question you mentioned and perhaps even the Senate?

PROF. McWHINNEY: You would not have to deal with the Supreme Court, except insofar as somebody says: "Then automatically the Supreme Court is four times as important as now".

THE CHAIRMAN: Quite, as a political proposition.

PROF. McWHINNEY: Yes, but the foreign affairs thing apparently is directly raised. I take it that the Trudeau judgment was that he wanted the extra publicity support from U.N. Human Rights Year and these various declarations, because in a way they are quite unnecessary to the substantive content of his bill that he seems to be putting forward, but he has brought it in and Johnson has said: "Well, I see what is involved here is apparently a reversal of the Labour Conventions decision" - which in fact, as you know, says that although you make a treaty, you do not automatically, as Federal Government, get the treaty

implementation power. So Johnson's rejoinder was: "If you are going to discuss a Bill of Rights, we have to discuss foreign affairs powers and the question of implementation of international treaties". So the floodgates are open, and I would agree with you one hundred per cent. I just cannot think there is any sense to this statement that the Bill of Rights is the first step and that it can be separated from everything else. I would say it cannot be separated from anything else, and I doubt frankly whether it should be the first step, but certainly the notion that you can separate the two in an intelligent discussion I just do not think is true at all.

THE CHAIRMAN: Then the second point, the tactical point you put, if Mr. Johnson takes that position and says the whole thing is open and Mr. Robarts is asked what he thinks about the division of powers, his answer will be: "We are ready to discuss the whole works right now and we are going to get the machinery. Let us get down to it".

PROF. McWHINNEY: In some ways - and this is getting into what is a thesis rather than a statement of facts - in some way it seems to me the division of powers issue takes the heat off issues such as the change of the Senate and the change of the Supreme Court, and even the foreign affairs power;

because the Faribault emphasis in the Quebec Cabinet has all been in the division of powers question and he has been down-playing the issue of the Court and the Senate and says: "Why tinker with these institutions? They are not really very important".

DR. FORSEY: Of course not.

PROF. McWHINNEY: The issues are economic powers, tax powers, division of powers.

DR. FORSEY: Of course they are not important, and one of the things that emerged from that Frank Howard despatch, if you are set on getting sovereignty or quasi-sovereignty of the Province of Quebec, these things are of less than no importance to the people of that province: they are on the way out and why bother with legislation which will not then affect them but only us?

DEAN LEDERMAN: I do not think we should dismiss that Frank Howard despatch as insignificant, because that was far too consistent to be a newspaper man's dream.

PROF. McWHINNEY: It is 99 per cent Marcel Faribault's thinking. Whether he has worked it out himself by reading Faribault or talking to him or got some paper, it is so basically the conservative wing of what I would call the more legally learned wing of the Quebec Cabinet.

DEAN LEDERMAN: This is why Dr. Brady thought we ought to get together and at least go

over it. All we did was put up a lot of "stop" and "caution" signs at various parts.

PROF. McWHINNEY: The moment Mr. Johnson says: "I am drafting my own provincial Bill of Rights" (and the proof of this is very impressive) "and it is going to be first class" and he says: "I have my own Bill covering property and civil rights. I don't think a Bill of Rights has priority, but if you are ^I going to discuss it/demand you discuss the Supreme Court and everything else"; the moment you get that you have a political football match.

THE CHAIRMAN: If I understand Eugene's point, under these circumstances it would be preferable to come to consider the Supreme Court and the Senate and so on before we come to the division of powers; because you may well be able to accommodate a lot of problems without having to get into this treadmill of casting off power to one provincial government.

PROF. McWHINNEY: Except your powers presumably are discussable and here you will notice is the difference between the Gazette report, which is closer to Faribault's thinking, and the Quebec one. The Gazette's report is much more nuanced. For example, this immigration picture, all that is claimed for the province there is something like this: power as to the reception of immigrants once they have been accepted into Canada, reception into

community life, some phrase like that. You find it again on foreign affairs powers. The thing that is amazing here about the statement is the exercise of cultural accords provided they are not incompatible with the Federal Government foreign policy.

DR. FORSEY: That was in the Globe and Mail report, whatever it means.

PROF. McWHINNEY: If you have got a Court interpreting that, there is no question that this in effect makes this provincial power a very limited thing.

DR. FORSEY: The one person that the Ontario Government and everybody else concerned in this had better watch out for is a gentleman named Faribault.

--- Off the record discussion.

PROF. FOX: Mr. Chairman, may I raise a question about procedure here? Do you want us to enter now into a discussion on these issues in detail, or do we go on to hear the proposals of the Ontario Government?

THE CHAIRMAN: I always try to keep, a fortiori after the last comment, from talking too much at this meeting, but perhaps I should.

PROF. McWHINNEY: Boredom of which you are not guilty.

PROF. CREIGHTON: May I ask what your proposal is, that therefore the Ontario Government looks with skepticism, if not hostility, at the proposals of the Federal Government to begin in this fashion, is that right?

THE CHAIRMAN: Yes - well, I think the point ---

PROF. CREIGHTON: This seemed pretty plain from your statements.

THE CHAIRMAN: To say that one should or even can solve the language problem in the country completely before one does anything about dealing with matters to do with the constitution, seems unrealistic to us.

PROF. CREIGHTON: You see, I am not very much persuaded by these two objections which have been elicited so far. The first is, apparently on the authority of Johnson, that this immediately puts a far greater authority in the Supreme Court and therefore brings the matter of the Supreme Court up for discussion, and until we decide about the future of the Supreme Court then you can't do anything about the Bill of Rights. I don't know whether this is a valid argument or not, but I am very skeptical of the second one which seems to me a frivolous one, that in some way it is derived from these U.N. conventions and therefore is a kind of contravention of the Labour Convention

decision back in the '30's. I mean, the Bill essentialaly is not derived from this source. I think perhaps Trudeau was incautious in the reference to this or relying upon this, when obviously it is derived from general views about human rights and Canada's particular situation in the language question. It seems to me it is a red herring.

PROF. McWHINNEY: I was not entering into the merits of the argument. It seems to me it is a political fact, whatever position Premier Robarts wants to take.

PROF. CREIGHTON: I don't think it is a political fact for the province at all. It is a political argument.

PROF. McWHINNEY: If somebody says: "If you discuss this, I insist you discuss X and Y" and I refuse to discuss X and Y, the political fact is the demand is raised to discuss these other issues.

MR. STEVENSON: Mr. Chairman, I think one might say that particularly for those who were in the task force meeting on the Bill of Rights, the difficulties lying in the way of getting acceptance of the Bill of Rights by all provinces did not relate to the opposition of Quebec; that our own Attorney General's Department for instance, as well as some of the advisers on this Committee, feel that there are very difficult problems in

federal-provincial relations generally in an entrenched Bill of Rights; and to assume that you must agree on this before you then proceed to the next step, might have the result of mixing in a lot of issues that may not be central to the whole question.

PROF. CREIGHTON: That seems to me far more sensible. That had not been said so far.

MR. STEVENSON: I think that is the real issue.

PROF. McWHINNEY: I don't think it is unfair to say that Frank Callaghan and the Deputy Minister both expressed grave reservations about the effect on their own department through adoption of the Bill. They said it would need a great deal of study because of obvious factors of practical administration. I think Rendell Dick and Callaghan make that very clear.

DEAN LEDERMAN: I think your point that it is over-simplification is well taken. Mr. Trudeau's proposal that this A can be done before B in this way is over-simplification.

THE CHAIRMAN: This is my only point, that it is a nice logical argument but I doubt it is a practical argument.

PROF. CREIGHTON: Let us agree the Province of Ontario has very good reasons for rejecting this procedure, but I do not see why we

should particularly think of Mr. Johnson's objections. We have valid objections of our own.

THE CHAIRMAN: We don't. We have never discussed this in discussing our own position in this matter.

DR. FORSEY: I am a little mystified by some of this, because I was under the impression that in his speech to the Bar Association at Quebec Trudeau specifically said that the discussion of his charter of human rights could lead into all these other things.

THE CHAIRMAN: The impression, if I am correct, is he has recanted from that particular speech, as I understand it.

PROF. McWHINNEY: There were two Bar speeches. There was the actual speech which was only Bill of Rights, but there were comments made and brief discussions afterwards.

DEAN LEDERMAN: Interviews afterwards.

PROF. McWHINNEY: Interviews afterwards. I think the position is now he has moved back quite clearly and firmly to the notion that this is the first step, and unless it is achieved any other discussion of change in the B.N.A. Act is stupid; that this is a trial run and the only way to test whether you can get a consensus (and this is the ideal thing, to get consensus). I just have the impression that although I think he is undoubtedly

sincere himself, the non sequitur emerges that you have got to then accept a particular method of achieving them.

PROF. BRADY: I think, Mr. Chairman, you had better make a statement on Ontario's position.

THE CHAIRMAN: Let me just try and run through this briefly. This is a summary of the preliminary statement.

"Canadians have on the whole been reluctant to recognize their country as one of two languages and many cultures; this is a situation that is beginning to change; the Government of Ontario is willing to take certain steps to encourage the development of this growing view of the country.

"The Government of Ontario bases its action on the following considerations:

"(a) It rejects the notion of some Canadians who are willing to see their country divided into separate English-speaking and French-speaking parts.

"(b) Although Quebec will always be the heartland of French Canada, we reject the view that Quebec is the nation state of French Canadians.

"(c) The federal government must retain sufficient power to carry out its national and international responsibilities.

"(d) We have no intention of forcing anyone

to become bilingual. Our aim is to provide the facilities whereby in those areas where it is practicable citizens can deal with government in either of Canada's two official languages.

"The implications of these considerations:

"(a) Our view is a moderate one by which we intend to make an important contribution to Canada's future.

"(b) We require a wider recognition of the two linguistic communities of the country. This is the minimum investment to be made in the new Canada.

"(c) We must be prepared to enter this discussion with an open mind but we must be sure that our aim is to secure a greater Canada in the future and not to preserve an outdated past."

"Bilingualism

"Practical and effective recognition of our heritage - a just price to pay for our national existence.

"Royal Commission on Bilingualism and Biculturalism.

" I Reasons for no comment to date - time needed for adequate study - time needed for a meaningful response.

"Applaud principles and spirit of the language volume.

"Time required to implement many of the

recommendations.

"Process is now underway.

"Established four task forces within government to study means of implementation

"(a) administration of justice

"(b) legislature and provincial statutes

"(c) municipal administration

"(d) provincial public service.

"These groups assisted by work of O.A.C.C. and coordinated by Federal-Provincial Affairs Secretariat.

"Work here should be completed by the summer and government will act on their recommendations.

"Further task forces might be established as additional volumes of the Report are published.

"Aim to provide bilingual services wherever feasible.

"II Stages for implementation

"Government will propose in opening session, that French may be used by any member of the Ontario Legislature in that House.

"(2) Provide language courses for civil servants whose duties require a knowledge of French.

" All letters received by Ont. Gov't. in French will receive a French reply.

"All Gov't. Dept.s will attempt to provide bilingual services in their field offices located in areas with a sufficient number of French-speaking persons.

"Government will expand facilities of its translation bureau.

"III. These goals will be achieved as follows:

"(1) Each department will assess need to carry out services in both languages.

"(2) Greater effort will be made to recruit bilingual persons.

"(3) Establish French language courses where need is apparent.

"(a) Arrange with local school boards for use of language facilities during off-term periods.

"(b) arrange with Federal Government to utilize their language facilities.

"(c) Create provincial centre for instruction of selected civil servants.

"(4) Government has adopted the following policies with regard to the use of French and English:

"(1) encourage use of French language in communities with concentration of Franco-Ontarians.

"(2) Encourage these communities to adopt the following proposals:

"(a) employ sufficient bilingual staff.

"(b) provide official forms and notices in both languages.

"(c) provision of bilingual road signs.

"(d) use of English and French in municipal council and other government meetings.

"(5) Judicial administration - this will be a long-term endeavour.

"(1) provision of interpreters and translation services.

"(2) encourage justice officials to take advantage of language facilities.

"Prior to the Report of the Royal Commission on Bilingualism and Biculturalism, Ontario have given top priority to the field of education. Our system has provided education in both French and English at the primary and post-secondary levels. Our intention now is to fill the gap at the secondary level. The Committee on French-language Secondary Schools is now studying the steps to turn this intention into a reality.

"We are pleased with the cooperation that has taken place between English-and French-speaking Ontarians in the realm of education. This spirit of cooperation is indicative to us of the new spirit of Canada.

"National capital must reflect the nature of the country. Until now, we have not been entirely successful in achieving this atmosphere. The Government of Canada, Ontario and Quebec are discussing the means whereby to ensure the development of the capital. For Ontario, this involves the creation of a regional government on our side of the Ottawa River.

"Constitutional

"There are those who are hostile to the idea of constitutional change or who believe that it is low on the list of government priorities; we reject these views, believing that constitutional change in Canada can no longer be delayed.

"Although Ontario itself has no formidable list of proposals, we believe that change must be considered so long as one of the member states of the federation remains deeply dissatisfied.

"Ontario wishes to repeat what it said at the Confederation of Tomorrow Conference - Canada is a federal not a unitary state for deep and compelling reasons of geography, language and history.

"The principles of federalism must be kept in mind in our consideration of change.

"An outline of some guidelines to be followed in discussing the division of powers.

"Some constitutional provisions, practices and institutions that could be improved: the Supreme Court, the Senate, an amending formula, the power of disallowance, delegation.

"The ground rules for the discussion:

"(a) we must proceed on an orderly basis. Therefore we should constitute a committee of federal and provincial ministers and officials whose first task would be to examine specific proposals for constitutional change.

"(b) Constitutional change implies negotiation and trading. This is a two-way street. The federal government must retain sufficient powers to deal with the problem of regional disparities.

"Conclusion: We are looking to the future, not to the past."

So that is the summary, a very brief summary, of a 35 page document.

DR. FORSEY: I think that sounds very good myself. It sounds a little like the lady who accepted the universe. Anyway, I am pleased, for what my pleasure is worth.

PROF. CREIGHTON: The statement says, Mr. Chairman: "The Ontario Government believes that change is necessary".

THE CHAIRMAN: It is quite a statement for a Conservative Government, I agree.

PROF. CREIGHTON: Conservative Governments in Canada conserve nothing. Conservative parties tend to conserve even less apparently.

It then proceeds to suggest various areas in which change might take place, and this suggests that change might take place in the realm of the Senate and of the Supreme Court.

Now, these two statements coupled together are interesting. The statement does not say that the Government of Ontario wants to change the Senate in a particular way or wants to change the Supreme

Court in a particular way, does it; but it implies this by saying that it wants to have change and these are areas of change.

Has the Government of Ontario any plan for changing the Senate or the Supreme Court? If so, I think we ought to know about it.

THE CHAIRMAN: This is a question I wish you would put to the Prime Minister when he comes in, because it reminds me ---

PROF. CREIGHTON: Or is it just simply a polite or rather wishy-washy way of saying: "We are prepared to consider changes"?

THE CHAIRMAN: No. This we have discussed before, and, as I say, I wish you would put this to the Prime Minister; because someone wrote to me reminding us again that this Committee had put a recommendation to the Prime Minister as its advice on the Supreme Court, that there should be no change in it. I have reminded the Prime Minister of this repeatedly, but the fact of the matter is that he does not agree, that is all. That is simple enough. He has different views on it. So I really think since this has come up several times in this Committee, I would appreciate your asking him directly what his opinion is on that matter; because it is obviously a matter of importance and there is a limit to which I want to try and represent what is in his mind and what is his

thinking. I think when there is an opportunity to go directly ---

DR. FORSEY: I take it the sense of the information you have endeavoured to put together was that Ontario had nothing to propose on these things, but these were fields in which it was prepared to look at other people's proposals.

MR. GREATHEDE: Exactly.

DR. FORSEY: It is more than that, is it?

THE CHAIRMAN: No, not entirely. There are perhaps two levels of consideration here. I think what he is expressing in one breath is that in his judgment, as Prime Minister of the province, the people of Ontario as a whole are not panting to achieve constitutional change. However, as Prime Minister of the Government, as a political practitioner in a federal-provincial context in which the conference of Prime Ministers and Premiers is having to deal with some of the political aspects of change in the federal system, that he has a conviction - and I might just read the exact words of the statement:

"The maintenance of flexibility in our federal system requires that we take a searching look at some of our constitutional provisions, practices and institutions which could be improved and improved for their own sake. Among

(Page 56 follows)

"these I might select for mention the
"residual power, power to declare work
"to be to the general advantage of Canada,
"power of delegation, the Supreme Court and
"the possibility of making our Senate a
"more truly federal institution."

Then later on he says:

"We will enter into this machinery and
get down to discuss these things"

And at that point he goes on to say:

"Then we will put forward in a clear and
"practical way the views which we have
"towards improving these institutions
"for their own sake."

DR. FORSEY: I think some of this is very
dangerous. What, for example, has he got in mind
about improving? I don't know, the word
"improving" there does not seem to apply to some
of these things. How do you improve the power
of disallowance? How do you improve the power
of the Supreme Court of Canada to declare a work
to be for the general advantage of Canada or two
or more of the provinces? You can alter either
of these or you can leave them, but how in the name
of goodness the Deity himself could improve them
is beyond me. If that is what he is really
committing this province to, I think we need to take
a very hard look at it, and I strongly suspect that

a great many people in the province, if they can be roused to the implications, will take a very strong line.

THE CHAIRMAN: I think we had better put that to him.

DR. FORSEY: I will most decidedly, if Professor Creighton doesn't do it.

PROF. CREIGHTON: I was more alarmed by this business of the Senate and the Supreme Court.

DR. FORSEY: I am alarmed about that too. Why does the Supreme Court need improvement and how are you going to do it?

THE CHAIRMAN: For the simple reason that it can undoubtedly improve if the Prime Minister thinks they are not perfect creatures in the eyes of man, that is all.

PROF. BRADY: Surely that is perfectly reasonable, to have a look at these institutions, Supreme Court and Senate and the many other institutions we have, to see whether they are operating just as well as we would like them to operate.

DR. FORSEY: Certainly, but that is not what he says.

PROF. McWHINNEY: It is a very courageous document, because the psychological pressures to accept these things as all this bandwagon going for

Trudeau and so on, to accept the Bill as it stands, are going to be very great and almost overwhelming. I felt he has held the line, and I really interpret this as indicating again that he believes nothing is perfect and will examine things on the merits but there is no commitment.

For example, changing the Supreme Court could be simply adding one more judge or two more judges, which is what certain people suggested.

PROF. SYMONS: Mr. Chairman, it is difficult without knowing the wording of the statement. Does the statement itself say that the Ontario Government wants to change or that it is prepared to consider any proposals for change? If your summary does not make that clear, it is difficult for us to discuss this without.

MR. STEVENSON: Mr. Chairman, I might just say one word here as far as the statement is concerned. I think the bulk of it now has been generally cleared. There are parts toward the end of the statement, of which this is one, where there still has to be a final clearing.

THE CHAIRMAN: One of the reasons we are here today.

MR. STEVENSON: Surely. I think the general intent in this letter is very much just the idea as Dr. Forsey has said, that the Ontario Government is very much willing to sit down and

consider changes in a number of institutions.

DR. FORSEY: This is fine, but I thought the Chairman read out something verbatim from the statement. If you get a commitment that these things can be improved, then it seems to suggest that the Ontario Government has definite ideas about how they can be improved, which is quite a different matter, and will bring these forward. If you get the statement that the power of disallowance in 92(10c) can be improved, you have got a statement upon which it seems to me very hard to put any intelligible construction.

PROF. MEISEL: Mr. Chairman, it seems to me that what essentially Mr. Robarts is saying here that there is dissatisfaction with certain practices and institutions and that Ontario is quite willing to look at those institutions and practices to see what can be done to remove this dissatisfaction.

Maybe the word "improve" is not the most just in this particular context, because there are so many categories some of which it is difficult to improve, but nevertheless the general intention seems to me to be perfectly clear and to me personally highly acceptable.

DR. FORSEY: If you remove, for example, Section 92(10c) the power to declare works for the general advantage of Canada, you will have some very

curious and not very happy results. If I am not mistaken (the lawyers here can correct me) the whole jurisdiction of the Supreme Court of Canada over the grain trade rests upon 92(10c), and if you abolish this you will also find that the Flin Flon business, the whole business of labour legislation gets thrown into the melting pot, and you might find yourselves under the disability that you need one set of rules going down a mine, and when you get a certain distance over and start mining you would be under another set of rules. These things can have very serious practical implications.

Am I correct in believing the Canadian Grain Act rests upon 92(10c)?

MR. MAGONE: Yes. They declared that all elevators were works for the general advantage of Canada.

DR. FORSEY: After they declare, in their wisdom, this was purely a local private matter in the province and a matter of local, private rights.

PROF. SYMONS: I think, as Professor Meisel has pointed out, this is an admirable posture, an admirable statement. It does depend a good deal upon the wording.

THE CHAIRMAN: That is all, that is what I take out of it.

PROF. SYMONS: As Dr. Forsey and Prof. Meisel have said, that is fine. If it is harder

than that in its wording and says Ontario wants change, as well it may, it would be perfectly legitimate for the public and for the other Governments to say: "What changes?" and we had better have answers ready. So the wording is fairly important.

PROF. CREIGHTON: I gather from the Chairman that the second is what is in fact the case: the government of Ontario has in fact specific proposals to make with respect to the Senate and the Supreme Court.

DR. FORSEY: And the other matters.

PROF. CREIGHTON: And these other matters.

MR. MAGONE: I don't know, but it seems to me what the Prime Minister has done is to repeat what he said in his TV appearance a few weeks ago when he appeared with Johnson and with Charles Lynch. He said:

"I see no reason why there should not be some reformation in the Supreme Court of Canada so that someone from Quebec who lives under the Civil Code law, for instance, would feel that their case was going to be adjudicated by people who are completely expert in that field of law, which is different than the law we live under in Ontario."

That is one point he made, and he seems to be

accepting that as the reason why he is willing to look at the Supreme Court of Canada. In other words, he accepts the fallacious reasoning of the people of Quebec, who are very noisy about it, that the two French-speaking or French-Canadian judges in that Court are the only judges who are expert in the Civil law, and that no English-speaking person can possibly become expert in it.

As a matter of fact, what they say in Quebec is that even Abbott, who is an English-speaking civil lawyer is not expert in the civil law.

PROF. McWHINNEY: They go beyond that and say Fauteux and Taschereau didn't know it either.

MR. MAGONE: They forget there are civil lawyers in many other countries. Scotland, for instance, lives under civil law. They forget the civil law is not a French import here; that it is historically a Roman law, and they do not recognize what the French attitude in Quebec is, that they want more judges on the Supreme Court of Canada. Now, that may be a perfectly legitimate aim, but why in the world don't they be honest about it?

In an analysis I made of the cases in the Supreme Court of Canada in two years, 1965 and 1966 (or whatever it was) I found that the majority

of cases on appeal from the Quebec Supreme Court had been dismissed; that of seven cases in which the appeals were allowed, that in five of them there had been dissenting judgments in the Court of Appeal of Quebec. So that the basis is fallacious.

The Privy Council in England decides cases on the Civil Code, not only of Quebec but many other countries and colonies, and the House of Lords on the Civil Code cases from Scotland..

DR. FORSEY: I think the analysis Mr. Magone referred to in his paper and that statement of mine just now are rather borne out by what I was reading this morning in the learned document from Professor McWhinney which we had. I think page 600 he refers to his own conclusions about this and the support which they have had from, he understands, statistical analysis by the B and B people.

MR. MAGONE: There is just one other thing I want to say about the Civil Law cases that come under the Supreme Court of Canada. The Legislature of Quebec has full power to amend the Civil Code, and I doubt that anyone can point to a case that has been decided in the Supreme Court of Canada where the Legislature of Quebec has changed the law to conform with the idea of some of the people in the province, because of that

judgment. They are not honest in the argument.

THE CHAIRMAN: Is there any problem that there may be lawyers skilled in that other law but they do not find their way to the Supreme Court? Is there any problem about the quality of the Court?

MR. MAGONE: People who lose cases have complaints, and that is all.

PROF. McWHINNEY: One of your facts of life is that there is not really a first class civil lawyer on the court today. That includes, of course, French-Canadian judges too.

THE CHAIRMAN: That is what I mean.

PROF. McWHINNEY: Even Pigeon, who is a first class judge, is really a constitutional lawyer, and Fauteux was a criminal lawyer, and this has been one of the problems; but I think we come back again to this sort of problem, Eugene, that some times the political power - a proposal is unrelated to its intellectual validity.

DR. FORSEY: Yes, I know, but surely this is exactly the thing that we have been faced with over and over again in all these discussions here where we are all in this room, as far as I know, people who have frequented educational institutions (whether we are educated or not is another question in some instances, my own

conspicuously perhaps); but anyway we are supposed to look at things from a point of view of facts and reasons and logic; and again and again it seems to me we are told: "Oh, but we must drop these things overboard because there is a frightful lot of noise emanating from certain quarters".

The Chairman will see as a postscript to one of my long letters, I said I thought it was about time we took to heart the remark of an earthy character in one of the Joseph Lincoln Cape Cod novels: "Let him holler. Noise don't scare grown folks." A great many people, it seems to me, in Canada, are grown folks only in the physical sense: they do not seem to have taken to heart the fact that if you are presented with crack-brain proposals and no evidence and no argument to support them, you don't say: "Oh well, after all, if they are all upset about it, we must try to make the real world conform more nearly to their sick fantasies".

I just don't understand this. If the Supreme Court of Canada has been handing down decisions which in fact can be shown to have distorted the Civil Law of the Province of Quebec, this is one thing.

What happened when they had this up in the first place and the English-speaking members on the constitutional sub-committee were prepared

to propose something about a special Bench or panel in the Supreme Court of Canada to deal with Civil Law cases, who came back at us and said: "No, leave it alone"? Roger Seguin. He suggested it is not practising lawyers in the Province of Quebec who want this; it is the professors. The practising lawyers - and he said, if I remember correctly "I represent 80 per cent of them at Ottawa" -- practising lawyers want it left alone. They say it is the only place they can get justice. This is as nearly as I can recall what he said.

In the face of it what do we get? Do we get evidence, do we get argument? No, we just get horrendous statements about the extra amount of noise coming out of the Province of Quebec. The fact that even more people are getting even crazier, noticeably students and even professors, I cannot see the relevance of this to any discussion in this Committee. Surely here, if anywhere, we should use our brains.

THE CHAIRMAN: Eugene, I think this is all he is leading himself to, because these arguments, as you have put them, or the propositions that Cliff has put, if these are the arguments that are ones that prevail, then he should be equipped to go into a type of meeting that is talking about the Supreme Court, armed with those arguments and propositions so that the thing is discussed

dispassionately and factually and intellectually; but all he is saying here, I think, at least all that is intended here is that above all let us get this thing out of either the realm of fantasy (as Cliff puts it) or the realm of sound and fury (as you put it) and get down to the machinery of discussing these things.

MR. PERRY: I think he is just trying to show he has an open mind but not an empty one; he is prepared to examine some specific subjects.

DR. FORSEY: Prepared to examine, yes, that's fine.

MR. PERRY: We have stricken "improve" out of whatever draft ---

THE CHAIRMAN: Yes, that is changed now. I got that point.

MR. GATHERCOLE: Mr. Chairman, we are a number of individuals who come together to discuss these matters (and rather complicated they are) and we all have his own point of view to which we attach different importance and different weight. Certainly that is even truer with respect to the Premiers coming from the different provinces and we do have a situation in which the Province of Quebec wants to go off in one direction.

Then there are representatives in the Federal Parliament who have other ways of making the approach to try to achieve the solution.

Then the western governments, they are quite content, or at least in many ways are content, with the existing situation.

As I assess Mr. Robarts' position, it is that in view of the seriousness of the situation and the marked differences of view that prevail, he is trying to establish a position which is one of reasonableness, to at least be prepared to consider all the alternatives that are available, in the hope that out of it may emerge a practical solution to this.

Now, I think we are quite confident that some of the extreme ideas which are submitted from the Province of Quebec, or even maybe submitted by Mr. Trudeau - and I am certainly in accord with many of the views that have been expressed on Mr. Trudeau's statement and it strikes me that the outcome may be identical to that of the Fulton-Favreau Formula: that it will get bogged down where nothing really will be accomplished and the ferment and fury will continue to go on.

So that somebody will have to take a position of some reasonableness in it and to be prepared to at least keep things in the state where they can be discussed and some reconciliation of these marked conflicts can be achieved.

Now, you cannot just be completely placid on it, or you cannot be completely negative. There

are some areas in which you can take a positive approach, and I think the Premier has spelled out some places in here. Obviously he is prepared to see Ontario move in a direction to provide an accommodation, but when it comes down to some of the other issues - and the Supreme Court of Canada, in my judgment, is one - well, I think out of the discussion will emerge some pretty hard lines that are going to be drawn up, and it will be recognised that reality has to prevail.

I, myself, do sympathize with the point of view that Eugene Forsey has advanced and Professor Creighton and some of the others, but I do recognize nevertheless that if you are going to say that this is it and we are not going to even get into the area of discussion of them, well then you have got no ---

DR. FORSEY: I never said anything like that, I must protest vigorously. If I have said once, I have said a thousand times over the last ten years that we ought to be prepared to examine and discuss anything. So please do not attribute this "stand pat" position to me.

MR. GATHERCOLE: I am not suggesting that you did, or at least I hope I wasn't anyway; but there are others who are prepared, however, to say: "We want to remain just as we are at the

present time".

As a conclusion to these remarks, Ian, you did make reference too that the Federal Government should remain strong in order to be in a position to remove disparities.

THE CHAIRMAN: Regional disparities, yes.

MR. GATHERCOLE: In economic conditions in the various regions. Well, I would hope there would be other reasons why the Federal Government should remain strong.

DR. FORSEY: Hear, hear!

PROF. CREIGHTON: Hear, hear!

MR. STEVENSON: There are other reasons spelled out there.

THE CHAIRMAN: That was cited as an example.

MR. GATHERCOLE: I would think that might have the greatest appeal to some of the regions, but to my mind it is one of the lesser reasons for maintaining a strong Federal Government.

PROF. FOX: Could I raise a point about this problem of the Bill of Rights, Mr. Chairman? I have not seen it discussed and I may be overlooking an obvious point, but the thought has occurred to me: how do you entrench a Bill of Rights in a constitution? By the agreement of Parliament and provincial Legislatures? Can Parliament bind

itself to a future pattern of activity? Can Parliament go against its power in this respect which it forever abdicates in the future? Surely this is not the principle of British Parliamentary procedure.

I recognize the British have no written constitution and that Parliament is sovereign, but the thought does occur to me that this might be worth an examination. I have not seen it discussed and maybe there is something I am overlooking here.

MR. MAGONE: They are starting in the middle of the road, that's the trouble; they are talking about entrenching something in the constitution, and the only way of doing it is to go to Westminster and have them pass it there.

DR. FORSEY: Quite.

PROF. McWHINNEY: I put in an additional submission at the request of Chief Justice McRuer on this point to the McRuer Commission. I gave a main submission at his request, but he asked me at a later stage to make a submission on whether a provincial Bill of Rights could be entrenched.

Obviously nobody can give a categorical answer to a constitutional decision that depends ultimately on the special facts of whether you can do away with it, but there are a number of common law decisions in this. According to Attorney General vs. Trethowan, which is referable

to the cases of the provincial Legislature, it depends on a slightly different section of the Statute of Westminster to the one involved in Canada, but you could make a case on the Trethewan case. What you can say here is the Privy Council has accepted that a provincial legislature within a common law federation could effectively limit its parliamentary sovereignty for the future.

In the two Harris cases in South Africa there were similar rules on the same question; except there you had in the constitution itself a limitation but allied to what was considered to be the principle of parliamentary sovereignty.

In each case, I take it, the Federal Government, if it got unanimous agreement on this Bill, on entrenching it, would ask for legal opinion, and one would have to say: "Well, if you want to do it, this is the way we recommend you go ahead short of another Fulton-Favreay formula" which I take it is out of the question. It would be difficult but you can make a case.

But I agree with your main point that this Bill of Rights is putting the cart before the horse. It seems to me absurd that one blithely waffles into this issue without a drop of evidence as to the problem of entrenching.

DR. FORSEY: I am astonished this question has come up, because I think, with Mr. Magone, it

is an entirely simple matter. You simply ask for consent of the British Parliament to amend the British North America Act to constitute this charter of human rights, and then it is absolutely beyond the power of any legislature in Canada to touch until you have succeeded in getting a further Act of the British Parliament establishing an amendment formula; and presumably if the people of Canada wanted to have a Bill of Rights entrenched, then the amending formula would put it beyond the power of any Legislature of Canada to touch. I should have thought it is as simple as that.

DEAN LEDERMAN: I think this is the position. If you want what Mr. Trudeau seems to want - and he is speaking of an over-riding Bill of Rights on the American model - if you want this, I think Eugene has pointed out the only way to get it is the constitutional amending formula must be used.

PROF. McWHINNEY: Does he refer to that Bill anyway? Have you found it so far in this?

DEAN LEDERMAN: I haven't read it yet, but the other point that Paul is making, I think Sir Ivor Jennings would say that if the Legislature of Ontario said: "We declare these rights. We also declare that henceforth it will take two-thirds

majority of the members of the Legislature present and voting ---"

PROF. McWHINNEY: Or a referendum.

DEAN LEDERMAN: -- to alter these rights," then henceforth that is the law. Now, they can get their two-thirds majority and then come back to 50 per cent if they want.

PROF. McWHINNEY: No, the Trethowan case really holds that this would apply even to a measure to do that.

DEAN LEDERMAN: Once they have required the two-thirds majority, they have to have it, at least one last time, to go to a different method.

PROF. McWHINNEY: Trethowan says that even a measure to abolish the special limitation followed by a measure abolishing the entrenchment by ordinary majority must be coupled together.

DEAN LEDERMAN: That is what I am saying.

PROF. McWHINNEY: You require special majorities for both, both abolishing the special requirement and subsequent amendment.

PROF. FOX: But if you patriate your constitution and bring the B.N.A. Act to Canada, I cannot see how this limits any future Parliament in consultation or agreement with the original parties who agreed to the entrenched bill, from amending that.

MR. MAGONE: That is so, Paul, but that

takes unanimity of all the provinces.

DR. FORSEY: If you write that into your amending formula, then it can be changed only by the agreement of all the Legislatures. This is the point I am making. You have got your constitution back here. Either it has the section in it saying that certain things can be amended only by unanimous consent of the Parliament of Canada and the Legislatures of the provinces, or it has not. If it has, that is your entrenchment; if it hasn't, you have lost your entrenchment.

PROF. CREIGHTON: Have you never read the formula?

PROF. FOX: Of course I have read it.

PROF. CREIGHTON: It seemed to present difficulties to you.

PROF. FOX: No, I think there is a problem here how you get this entrenched, if at all, when in fact the parties who have agreed to it might agree at some future time not to entrench it or to alter it.

DR. FORSEY: Of course you cannot make it like the Canadian Shield and change by human action. Of course you can't. At some later date if you get unanimous consent of the Parliament of Canada and the Legislatures of the provinces to introduce, say, trial by battle, they can do it,

of course they can. You could knock the whole thing into a cocked hat.

But surely the whole point of entrenchment - even the greatest fortification in warfare is not impregnable (the Maginot line was not) but you can still talk about entrenching something and entrenchment is not the same as impregnability. Of course if you have got the whole gang all wanting it dis-entrenched, they could do it naturally.

PROF. SYMONS: I am glad Professor Fox has raised it though. I am just thinking of the experience with the attempts at entrenchment with the South African constitution, where really entrenchment was reached with much less political support and unanimity than Dr. Forsey was envisaging as the means of reaching it here.

I think it is a very real problem. If you have in our parliamentary system a government effectively in control of the country, entrenchment does not mean ---

THE CHAIRMAN: I wonder if before we get too much entrenched we could at this point break for coffee and sandwiches, during the course of which I hope the Prime Minister will arrive and we can then carry on.

DEAN LEDERMAN: I should say, Mr. Chairman, just before we break off, that this brings about a three-fold circle and brings us back to the

original point. To talk about entrenched Bill of Rights necessarily raises the question of amendment.

PROF. McWHINNEY: I think the Premier will point out this obvious fact of the chicken and the egg, that the Bill of Rights as top priority is rather silly.

--- The meeting adjourned at 1.00 p.m.



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Government
Publications

ONTARIO ADVISORY COMMITTEE ON CONFEDERATION



held at

The Frost Building, Queen's Park, Toronto.

on

FRIDAY, JUNE 21, 1968

VERBATIM REPORT OF PROCEEDINGS

ONTARIO ADVISORY COMMITTEE ON CONFEDERATION



M E E T I N G

held at

The Frost Building, Queen's Park, Toronto.

on

FRIDAY, JUNE 21, 1968

VERBATIM REPORT OF PROCEEDINGS

ONTARIO ADVISORY COMMITTEE ON CONFEDERATION

Meeting held in the Board Room, 6th floor,
The Frost Building, Queen's Park, Toronto,
on Friday, June 21, 1968.

PRESENT:

Mr. T.M. Macdonald (Chairman)

Prof. A. Brady

Prof. P.W. Fox

Dr. E. Forsey

Rev. Dr. L. Matte

Prof. R.C. McTvor

Prof. J. Meisel

Mr. J.H. Perry

Mr. R.N. Seguin

Mr. D.W. Stevenson)) Co-Secretaries
Mr. R.A. Farrell)

Mr. E. Greathed)
)
Mr. C. Beer) Secretariat
)
Mr. G. Posen)
)
Mr. P. Lishchynski)

Received at this meeting:

Mr. J.S. Hodgson

Privy Council Office

Mr. D.N. Omand

Ontario Dent. of
Civil Service.

-----At 10.07 a.m.

THE CHAIRMAN: I think we are ready to begin. I don't know whether we have a quorum, but we have a narrow majority - eight of seventeen.

MR. STEVENSON: Eight of seventeen?

PROF. FOX: That is the new maths.

THE CHAIRMAN: I actually meant qualitatively. (Laughter) We shall have two others. Professor Meisel will be here, and Tom Symons will be here perhaps a few moments late they informed me.

We have regrets from Professor Conway who is en route to Australia, Professor McWhinney who is in Japan, Dean Dillon and Mr. Gathercole who are otherwise occupied; Mr. Magone who has been having a little problem of a minor nature with his health but who assures me he is now well on the mend; and I regret to say there is more serious news of Dean Lederman. I had a letter from his Associate Dean earlier this week saying that he was in hospital having had an attack of some nature but that it was relatively mild, so they said, and that he expected to be released from the hospital by the end of this week but would be needing to take a long rest from administrative duties at the Law School, though this would not curtail all of his activities and he would be telling us more about it, as will John Meisel when he comes later this morning. I thought on behalf, being sure the meeting would agree, I would send a message of greetings to Dean Lederman --

and John, you arrived at a timely moment, if you can give us any more news on the welfare of your colleague.

PROF. MEISEL: Well, he is supposed to leave the hospital to-day. He is all right, but he had what he thinks was a slight stroke, although they haven't told him this. His arm was paralysed for about three minutes; his blood pressure was very high but it is down to normal now. The upshot from our point of view is that he has to do absolutely nothing this summer, but I think he is perfectly all right.

DR. FORSEY: I am glad you sent a message, Mr. Chairman. If you hadn't I was going to phone.

THE CHAIRMAN: I was sure I could do that on behalf of the Committee.

I think Mr. Greathead perhaps has one announcement concerning staff.

MR. GREATHEAD: I would simply like to introduce to members of the Committee Mr. Peter Lishchynski, who has joined the staff of the secretariat two or three weeks ago. Mr. Lishchynski comes to us from the University of Waterloo and the University of Toronto, and he will be working primarily on the constitutional side of the secretariat's activities.

THE CHAIRMAN: Thank you very much, and welcome, Mr. Lishchynski, to these proceedings.

Our general thought for to-day was to

review in various compartments the work of the past year, the activities which are under way in our various task forces inside the Government and inside this Committee, and then to consider some of the future prospects that are emanating from the discussions now under way at the federal-provincial level in terms of constitutional review and revision.

If I may, I would like to just touch on the highlights briefly of the activities of this Committee, to refresh our minds, from September, 1967, to the present date.

First of all, under the heading of publications, as you know, our Background Papers and Reports were published in October, 1967, in the single hard cover volume edition. This book was made available to the public at a price quite inconsistent with its contents - two dollars and fifty cents, until the present run of over fifteen hundred copies, it must be, is that correct?

MR. GREAETHED: Do you have the latest figure, Garry?

MR. POSEN: Yes, over fifteen hundred.

THE CHAIRMAN: Over fifteen hundred have been sold to the present time, and further publicity is planned in the manner of having the book included in university reading lists for the ~~the~~ ^{the} coming year.

DR. FORSEY: I have already done that in the university.

PROF. FOX: That accounts for the first fifteen hundred. (Laughter)

THE CHAIRMAN: I don't know how you are proposing to proceed in that, Ed. Are you putting this in journals of bibliography or what?

MR. GREATHED: On that particular point, I think we can. One of the things we hope to do would be four of the publications which will be coming out fairly shortly: the C.T.C. proceedings; the second edition of the theme papers and the background of the Confederation of To-morrow Conference. English translation of the special supplement to Le Devoir and O.A.C.C. volumes will be, we hope, included in a brochure which we hope to promote and distribute as skilfully as possible to a very wide audience in Canada and elsewhere, and in that manner we hope to dispose of a large number of copies of all four publications. I think this brochure ought to be ready in the next few weeks.

PROF. BRADY: Was that brochure chosen carefully, as it were?

MR. GREATHED: Not exactly. I think our real purpose was, rather than to answer a host of individual questions on them, simply to have a handy little order form which briefly explains what each of the publications was about and had an order form attached which the people could simply tear off and mail with their cheque.

MR. STEVENSON: Our problem right now is,

having moved from 950 Younge to here, we left the department that had good printing and distribution facilities for one that had none. We have on the cards a central printing and publishing agency for the Government.

THE CHAIRMAN: And a Government bookstore.

MR. STEVENSON: And a Government bookstore, but it has not yet been established, and new facilities have been frozen until it has been established: so we are in an *interregnum* that does not help in the moving of publications.

DR. FORSEY: May I ask exactly what state these other publications are in, or are they out?

MR. GREATHEDE: With respect to the *Le Devoir* volume, this is all ready to be printed. As Don has reported, we have some problems with printing, but it is up with the printer, and it is all ready to go as soon as he can get enough staff to do it.

DR. FORSEY: And it will come out as a paper back or something of that sort?

MR. GREATHEDE: It will come out in the original edition, this loose-leaf bound edition that it was originally published in. A few copies were published at the time of the Confederation of To-morrow Conference, but there was only a very small quantity published. The same is true of the theme papers, that a very small quantity of the second edition has been published.

DR. FORSEY: That was a revised version, wasn't it?

MR. GREATEHD: That is correct.

THE CHAIRMAN: Considerably revised.

MR. GREATEHD: It was a revised version, we and that too/will probably be printing more copies of and distributing them shortly.

With respect to the C.T.C. proceedings, they will be coming out in separate English and French editions. This again is a problem with the printers. The manuscripts are all ready, they are with the printers, and it is just a matter of getting them run off and collated and put together.

DR. FORSEY: Was that the transcript?

MR. GREATEHD: That is the transcript.

DR. FORSEY: I hope, by the way, somebody corrected the gross howler in part of a report of one of Mr. Smallwood's speeches, when he quoted something evidently unfamiliar to that generation:

"Man wants but little here below,

"Nor wants that little long."

and that was all garbled, not something that made any kind of sense at all.

MR. GREATEHD: Well, each government had the opportunity to look over their particular statements, and if I recall correctly Newfoundland made next to no corrections at all.

DR. FORSEY: Joey just wasn't watching them, because he got off his good old evangelical

quotation and it was translated into something that did not scan, did not anything.

THE CHAIRMAN: Mr. Perry wants to know what it meant in the original.

MR. PERRY: Seems to be wholly out of keeping with the text of the affluent society.

DR. FORSEY: Joey is in a class by himself in every respect, but any way the whole point of the witticism was completely lost. The fogging index is terrific: it just doesn't make any sense in any way whatsoever.

MR. GREATHED: We will check that.

DR. FORSEY: Somebody ought to look at it. I heard it and I recognized it as an old Methodist, and was horrified to discover the garbled mess that was dished up.

MR. STEVENSON: Another very nice one was in the French of something Mr. Johnson said. He was talking about "les ondes aériennes" in respect to the distribution of powers in communication, and it came out "les Ontariennes". (Laughter)

THE CHAIRMAN: Mr. Greathed has touched, in passing, on the production of the theme papers - over which this Committee would not claim paternity, I know, but perhaps some avuncular association. The printing of Le Devoir supplement, as Mr. Greathed mentioned, will also be in its full printing this summer.

Secondly, the Bilingual Secondary Schools

report prepared by the Cultural Sub-Committee was submitted to and accepted by this full Committee with one abstention and one negative vote. The report recommended to the Government of Ontario the establishment of bilingual secondary schools in the public sector of the education system. The impetus engendered in the preparation of this report was one of the influences that spurred the Government to accept this principle on August 24, 1967.

Subsequent to that report there has been a report of a committee in the Department of Education and the introduction of legislation by the Minister of Education to provide for these schools.

As to the Confederation of Tomorrow Conference, the Advisory Committee was deeply involved in considering the preparations for the Conference. Particular attention was given to the format and the agenda of the Conference. A meeting with Mr. Robarts was held during the first evening of the Conference to exchange impressions and offer advice.

The Federal-Provincial Conference of Prime Ministers and Premiers in February. Discussions were held in the O.A.C.C. to advise the Government of Ontario as to the best position it might take at the Conference. Members of the Committee were invited to join the Ontario delegation and several did avail themselves of this invitation.

Reorganization into Task Forces. As the

topics being considered at these conferences grew more specific, it was thought that the sub-committees of the Advisory Committee should be reorganized into smaller task forces dealing with specific problem areas. These task forces have each met at least once since February and have rendered assistance to the Government and to the Secretariat in the consideration of the following areas: the national capital area; the Report of the Royal Commission on Bilingualism and Biculturalism; the bill of rights and an amendment procedure; government machinery and institutions; inter-governmental regional disparities; and the distribution of powers.

As you know from the agenda, there will be discussion of those committees and reports later in the day.

I am turning to the forecast of future activities. The one point I wish to make is that I think perhaps we have moved from the stage of academic conjecture (if I can put it that way) into the stage where meetings are now under way and activities are under way which are going to deal with a number of highly specific propositions.

This leads us perhaps to consider for a moment or two the continuing role of the Advisory Committee in this exercise, in which, as you know, a federal-provincial committee of officials is now established and now functioning - and I will report in a moment on the first meeting which took

place of that committee three weeks ago.

A number of particular compartments of examination have been established, and we are now very much on the spot, as it were, to put forward and to declare ourselves as a government in terms of the impact we wish to make in those discussions.

I did have a letter and a report from Dean Lederman following a recent meeting, in which he said his task committee had essentially come to the view that no changes were appropriate in the Senate or in the Supreme Court, for example. I was left, frankly, feeling a little uncomfortable in this particular; not as a matter of whether I would personally agree or disagree with the view of the task force, but rather in the sense - in two matters: first of all, that the Prime Minister of Ontario had declared himself as favouring some changes in those two realms and perhaps in others, publicly; and that we in turn in the civil service were now being asked to put forward recommendations and to prepare positions to support the Government in these coming discussions.

It left me with the impression that perhaps within this Committee we have got to come to some fairly early decision about the basic attitude that the Committee takes to these discussions and the basic policy it wishes to put forward in terms of advice to the Government. Is it essential to say as far as the distribution of powers is

concerned, as far as the institutions are concerned or the machinery of government: is it our advice as a Committee that there should be no changes? If not, what particular avenues do we wish to explore?

I am somewhat concerned about the possibility, which I would regret personally, of getting into a situation where within our secretariat and within the civil service, to support the pre-disposition of the Government, we are called upon to produce certain positions or offer certain advice, if that ends up in a somewhat contrary position to any advice that may emanate from this Committee. There is nothing necessarily wrong about it in principle. On the other hand, what would concern me would be the feeling that might result therefrom. I think we should face the prospect, therefore, in advance that the Government might appear to be disregarding any advice that came from this Committee.

So this is the position I think we stand in now. As I will explain a little later, we are now engaged in an exercise in which the Government is asked to put forward very specific, unequivocal propositions about its general objectives for confederation and its general attitudes to a whole number of specific questions under these sub-
which headings/were enunciated at the Federal-Provincial Conference in February: distribution of powers, official languages, human rights, machinery of government institutions and so on.

This work is going to move, I think, not at an astronauitic pace but at quite a good clip now, and I think that has appeared already.

In the Continuing Committee of Officials, the areas from which anything substantial is going to come, frankly, I think, will be from the federal government, the Government of Quebec, the Government of Ontario, and the Government of New Brunswick. Unless things develop in a different manner, I think it is fair to say that our observations would suggest that this is where the real thrust will come: that the federal government, on the basis of my observation, is still very much influenced by its sense of concern about the Province of Quebec and its sense of shaning its policy and dialogue in a manner to contain the forces in the Province of Quebec.

This then leaves Ontario and New Brunswick, perhaps not in any superior sense but simply in a realistic sense, trying to stand aside a bit and not only look at the Quebec-Ottawa confrontation, as it were, but at the broader question of what would be a desirable direction and state of affairs.

That is a very general comment, but I really wanted to put it fairly frankly, because the real question now is how best to analyze the inrput of this Committee, as it were, given the fact that we have a pretty strong mandate and some immediate compulsion to put forward some practical suggestions.

Perhaps if you want to have some general

discussion on this, it would be appropriate before I give a report on the mechanics of what happened at the first meeting of the Continuing Committee, or perhaps you might refer me to a report on that first.

DR. FORSEY: Mr. Chairman, it occurs to me, first of all, that as far as the Government disregarding any advice of this Committee is concerned, this is entirely the Government's prerogative. It can put anything we say in the wastepaper basket. I don't think there is need for any particular uneasiness about that. Surely this is inherent in the idea of an advisory committee: it tenders advice to the Government, who can say "Thank you very much. Some of it is good and some of it is bad, or some indifferent" or they can say it is all bad or it is all good, or anything they like.

The other thing is, it seems to me that if, as it were, quasi-decisions have been taken on some of these matters and the Secretariat or the civil service generally is working on detail and drafting of these things, then the most useful thing this Committee can do is to look at these proposals, these policies, and comment on them and make some suggestions as it sees fit.

If this Government has already decided that they are going to take a certain position and this is contrary to what this Committee or any section of it has already advised, then that is that:

but it might still be that there would be something in the specific proposal or drafting of it or the detail of it, on which members of this Committee might have something useful to say. It is possible there might be slips or errors or propositions stated in needlessly ambiguous terms, shall we say, unsuspected pitfalls. I should think that we might perform a useful function there.

PROF. McIVOR: I agree with you entirely, but there is also the hope, I would think, that before the Government assumes specific positions on various questions that, whatever the Committee has to say it might have an opportunity of saying in time to influence the Government.

DR. FORSEY: Oh, yes.

PROF. McIVOR: Before this initial position is determined.

DR. FORSEY: I quite agree, but if there is some point where the Premier has said in effect "Look, this is it. I have looked at all your suggestions on this and they won't go": even then it seems to me that when it comes to the actual phrasing or the details of the proposal, some comment from this Committee might be useful.

PROF. BRADY: I wonder, Mr. Chairman, is it correct to say that we had really finally given answers to all the questions?

THE CHAIRMAN: By no means. I have explained the course of action that is being proposed

within the constitutional discussions, and later I am going to suggest that the members of the Committee assist us quickly in the enunciation of some propositions or some positions that might be taken.

Now, the only point that really concerned me, and I don't like to use the word for fear of sounding offensive, but perhaps one should be honest about this: my reaction to the report I received from Dean Lederman on those particular matters was that it was a negative report in the sense that it accepted the status quo. There is nothing necessarily wrong with the status quo, but it did in this particular instance happen to be at variance with what the Prime Minister had already announced as his general policy view of the Senate and Supreme Court, and that we should be looking at somewhat significant changes in those departments.

PROF. FOX: I wonder if I could just speak to that, Mr. Chairman, since I was a member of the task force on the Supreme Court.

It may be there is some misunderstanding here, because it was my conclusion after our first and only meeting that we had not really wound the whole thing up, but that we were simply adjourning until our services were requested at some later date.

At that time I suggested to the chairman of the task force that perhaps we should continue to pursue our examination in greater depth of the problem of the Supreme Court, and he felt that we

needed to wait for some further direction from above.

Now, in particular we mentioned at that point but did not discuss in detail, the Russell Report on the Supreme Court which was made for the B. & B. Commission. Dean Lederman and other members of the Committee - I believe all the other members of the Committee except myself - had not read it, and my understanding as we adjourned was that Dean Lederman was going to attempt to get hold of this report, which I think will be published and released to the public some time soon, and after having read it he would probably reconvene the committee or the task force.

So speaking as one member of the committee, I was certainly now of the opinion that we had completed our work on the Supreme Court.

THE CHAIRMAN: I see.

PROF. MEISEL: Mr. Chairman, Dean Lederman has had a copy of this report for some time now, and I don't know whether he has had time to read it or not, but it is pretty clear that he won't be able to reconvene the task force during the summer. He may do so in the fall.

To turn to the broader problem, it seems to me that our Committee as a whole has made decisions on a very small number of issues, and that as a Committee we have taken almost no positions, and in those areas where we have taken positions I think conditions have changed so substantially

since we have done so that perhaps one ought not to take our earlier position as being necessarily relevant to-day.

I think that the secretariat ought to feel perfectly free to pursue whatever lines it wishes, and of course the Prime Minister certainly has the right to do so.

I think I completely agree with Eugene Forsey's argument that even when we have rejected some notion, we should still be used, if that is possible, to test whatever has come out of work that is based on different assumptions from those that we have adopted.

A very good instance of this is the Confederation of Tomorrow Conference which, you may remember, we were not very unthuasiastic about at the beginning, and I think there was some pretty strong criticism of it; and then the decision was made to go ahead with it and the Committee, I think, played a fairly great role in the subsequent discussion and then, I think, was pleased to take some credit for the success of the Conference despite the fact that it had originally opposed it.

THE CHAIRMAN: I am afraid I shall never forget a very long Friday three days before the Speech from the Throne was due to come down with all I knew was in it on that subject.

PROF. FOX: Shows how wrong the Committee can be or the need for second thoughts, but I

suppose the point I was really making, Mr. Chairman, was that I never thought that we had concluded our work in some of these task forces.

PROF. BRADY: That was my impression too. Mr. Chairman; that actually we had gone only a very short distance in discussing any of these questions in the task forces; because, after all, they were convened before the February conference and convened in a hurry, and we did not have time and there has really been no follow-up since then, except in the B. & B., and possibly there was a meeting on the distribution of powers, wasn't there?

MR. GREATED: That is correct.

PROF. BRADY: I was chairman of that, and I certainly did not feel that we had wound up; we had only really looked at some of the topics that might be discussed, that we had discussed and only in the most preliminary fashion.

THE CHAIRMAN: Well, again, let me make quite clear that my purpose in this is to reassure you of how anxious I am for this Committee to have a very active part and for us to be able to draw on all its expertise to make a significant contribution to these discussions which are, as I say, going to move now, I think, at a fair pace, in which I think we are going to be in a position of having to contend with quite a number of pretty concrete proposals that will require some answer as well as some contribution.

MR. PERRY: Mr. Chairman, I don't think the discussion has really revealed any change in the basic relationship or the principles on which we have always operated. It has always been assumed that our function was advisory, and that the Government had full freedom to do what it liked with our proposals.

Is your concern based now on the pace at which events may move from now on, and that the task forces may not be able to keep up with events, or something of that sort?

THE CHAIRMAN: Well, I don't want to generalize from a particular, and I also feel a little reluctant to refer to my correspondence with Dean Lederman in his absence, but I think it does illustrate the point rather well, and I would like just to mention briefly his report of that task force since he is not here to speak for himself and we will be giving reports of the task forces later, and I would like to say something about my own reply.

"Generally speaking, we found ourselves in "agreement about the Senate and the Supreme "Court of Canada. Concerning the Senate "members seemed agreed that its only useful "future was as an improved revising or "second legislative chamber for the Canadian "House of Commons in the federal sphere. "We did not see the Canadian Senate develop- "ing; into an institutionalized federal-

"provincial conference of some kind --
"a mediating federal-provincial institution
"so to speak. This would simply not be
"compatible with Parliamentary Government
"and the Cabinet system as we know them.
"So I can see some arguments ahead with
Quebec about this. The point is -- by
"all means improve the quality of Senate
"appointments, but with a view to giving
"the Parliament of Canada a better second
"chamber for operation in the federal
"sphere. You just cannot have a Senate
"like the U.S. Senate unless you are prepared
"to go all the way to the American Congres-
"sional and Presidential system for both
"Canada and the Provinces. Maybe Quebec's
"Mr. Johnson is willing, but in my view
"English Canada at least is not willing
"to do this.
"As for the Supreme Court, we reaffirmed
"the earlier position of the old Con-
"stitutional Sub-committee, leaving the
"door open for some enlargement of the
Court and for some improvement in the
"appointing process that would give the
"Provincial Cabinets some influence on
"appointments from their regions of the
"country. I will spell out the poss-
"ibilities here in a fuller report of

"our meeting later."

Well, I replied to this point concerning the views of the task force on the Senate and Supreme Court:

"As you know, Mr. Robarts has already expressed himself quite strongly in public and before our Committee in favour of reform. It is also my impression, reaffirmed by the Federal-Provincial meeting last week, that the Federal Government is very much in favour of changes in these realms while digging in its heels on the distribution of powers. My principal concern is simply this: the Prime Minister of Ontario has committed himself to co-operating in some form of change in these institutions whereas our Advisory Committee seems strongly opposed to change. I do not want it to appear that the Government is disregarding the view of the Committee, and our Secretariat is obliged to come up with some ideas to assist the Government in furthering this policy. Perhaps you would give some thought to this and let me have your final view as to whether there is any possibility of a reconciliation of the two positions."

That was the kind of thing that started this trend of thought in these matters.

DR. FORSEY: I think from my recollection

of the meeting of the task force in which this was discussed, I would say that they looked at some sort of draft that had been prepared, I think, by someone in the secretariat, and you perhaps might sum up our reaction in the words of Mr. Pepys and his fine crucifix - "mighty fine but not so fine as I expected": the more we looked at it the less it seemed to us to have any substance, the less it seemed to us to be either feasible or desirable. My recollection is we just looked at it and said "This won't do. It is impractical, it is foolish."

PROF. BRADY: On the Senate.

DR. FORSEY: On the Senate, yes. On the Supreme Court, we just went over the old ground and, again, we could not see that the suggestions that were made were useful at all, quite the reverse.

Mr. Seguin was there, I think, during these discussions, and will correct me if I am mistaken about this, but it is certainly the impression I carried away.

PROF. MEISEL: Whatever the position, it seems to me this was just a task force that does not implicate the rest of the Committee in any way.

DR. FORSEY: No.

PROF. MEISEL: If there had been different membership of the task force, the thing might have gone quite differently. I do not think there is any serious problem, provided the members of the Advisory Committee do not get offended if their

particular views are not always taken into account; and, on the other hand, provided that the secretariat does not feel that because the Advisory Committee has taken a particular position, it should not be consulted on action which is taken on different premises from those that the Advisory Committee may have met.

DR. FORSEY: I don't think there is any reason for any offence. If the thing goes in the wastepaper basket, it goes in the wastenaper basket.

THE CHAIRMAN. We have a garbage strike in Toronto.

DR. FORSEY: If I follow correctly what John Meisel said, I agree that if the secretariat has a fresh proposal, or even wants to bring back an old one and have the full Committee take another look at it, fine.

PROF. MEISEL: Quite specifically, I think relation to both the Senate and the Supreme Court the fact that a sub-committee has taken a particular line - or let us stick to the Senate where the Prime Minister has taken a position: it seems to me that in the case of the Senate we should now be used to support whatever position Mr. Robarts wants to take, despite the fact that all of us, or some of us, may have taken originally different positions from that of Mr. Robarts.

I think, if he is going to get the kind of support he has hoped to obtain from the Committee,

we ought to start feeding him with suggestions and ideas in conjunction with the secretariat, of course, which would make his case as strong and as consistent as possible.

PROF. BRADY: I am not sure what position Mr. Robarts took on the Senate. Was he explicit or specific that there was much should be done on the Senate? I don't remember any.

PROF. MEISEL: He was not very specific, if I remember. Didn't he, on the famous T.V. interview, indicate pretty strongly that he would welcome fairly important changes in the Senate? This being the case, he now has to say what kind of changes he would like to see, and I think we should work with the secretariat on this.

MR. GREATHEDE: If my recollection is correct, Mr. Chairman, I think the day that Mr. Robarts met with the members of the Committee shortly before the February 5th conference, the tone of his remarks was that he hoped to see considerable change in the character or composition, or what have you, of the Senate. Without being too specific, I think he was in a sense saying that he hoped that he would get some fresh ideas and proposals from the Committee. I think that is the sense of his remarks as I understood them.

DR. FORSEY: Well, I think they will have to come from people other than members of the

task force, because I think we all - after, I think, reasonably mature consideration, and most of us have probably thought about this before - were inclined to think that apart from the suggestions Dean Lederman mentions in his letter, there was not an awful lot you could do about it.

I have been over this ground of Senate reform a good many times one way and another, and frankly I am very dubious about anything getting done; because this is like the problems in India, that every kind of solution you can suggest for one problem raises a whole host of fresh problems, and each one of those on examination raises fresh problems again the minute there is a suggestion made to solve any of them. It is a sort of endless chain of problems.

I would be prepared to bet that very little would come out of any constitutional pattern of any change in the Senate, because nearly anything suggested is going to run up against almost insurmountable opposition.

If anybody in the Committee generally has some fresh, bright ideas on the subject, by all means let us see them. Then I should say, if the Premier is determined to have something on this point, we should look at whatever is being proposed by anybody in the Committee or by anybody in the secretariat or by the Premier himself, and make such comments as we think fit.

My own feeling, as I said to the task force, is, whenever anybody talks about Senate reform, is like that of Mr. Arthur Meighen 'n the election of 1925, when he said: "So that old bird is to be provided with wooden wings and told to fly again"; but always open to conviction.

THE CHAIRMAN: That was before the day of the "swinger".

DR. FORSEY: Some things don't change.

PROF. FOX: Mr. Chairman, I wonder if the solution to this problem is not for you as Chairman to ask your task force organization committee, or whatever it is, to meet again - or the chairmen of the respective task forces to simply reconvene if they feel there is any virtue in it, to consider some of these topics further.

I was not involved in the task force on the Senate, and maybe we should separate discussion of that item from the discussion of the Supreme Court, but certainly on the Supreme Court there was no conclusive answer given.

I think the sense of Dean Lederman's statement to you was that at the moment we had concluded this, but my understanding certainly was that we were going on with the examination. We had a very brief meeting, about an hour as I recall, and I think Professor McWhinney and Mr. Magone were there, but it was not a conclusive meeting by any means.

DR. FORSEY: My impression was that we went over the question of the Supreme Court, and having gone about it and about it forever more came out by that same door wherein we went. In other words, we arrived at the same conclusions that the constitutional sub-committee had arrived at originally, and just stopped there. I don't know, I must ask to be excused, I think, from any attempt to draft fresh proposals on this, because I have gone over this thing twice now in the sub-committee and the task force, and I just cannot see any answer to the conclusions that we arrived at. I don't think I want to go round and round again on it. Other people can go at it, if they want to, and I would like to have a look, along with the members of the Committee, at what they produce.

PROF. MEISEL: Mr. Chairman, I spoke to Dean Lederman two or three days ago about a number of these problems, and one thing he suggested in relation to the Supreme Court I think I may as well pass on to you.

Since he has had his correspondence with you, I imagine he has heard the paper that Peter Russell gave at Calgary, which I think Ed Greathed probably also heard, and he may have already had a chance to read the B. & B. study that Peter Russell did; but the point that he made was that he thought it would be extremely useful if this Committee - or perhaps not the Committee but the

secretariat, used the very excellent knowledge that Peter Russell has of this problem, and that we might well draw on him to look at some of these problems. He has done it already; it is merely a matter of just pulling together some of the things he has done.

PROF. BRADY: Are we going to get the paper?

MR. GREATHEDE: Yes, a copy of that paper will come out.

PROF. MEISEL: I think that is one suggestion. The other thing, I think it is true that some of the points that Eugene Forsey made about this are quite correct. On some of these issues some of us have gone so long that we have nothing more to say, and perhaps at this stage it would be well if we didn't say any more; but then there may be other people who have never said anything about any of this who may have ideas.

Perhaps the Chairman ought to invite members of the Committee, as individuals, to make suggestions; and then the rest of the Committee, including the people who think they have no more to say, might look at what comes out of this and act as a sounding board.

DR. FORSEY: What in general does Russell propose?

PROF. MEISEL: Well, I think he was fairly -- I'm sorry, I can't remember now precisely what Russell said and what went on. The B. & B.

Commission had a task force on the same branch which also wrote a report, and I can't remember which is which.

On the whole, I think the kind of suggestions that Dean Lederman made in rough outline and on which he was going to elaborate, were the sort of things that/Russell Report tended to point to -- the need perhaps to enlarge the number of Judges, but I am afraid I can't remember precisely now. In fact I don't think there were any recommendations in the report proper. I think the recommendations that the Commission was thinking of followed from discussions after they had studied the Russell Report.

THE CHAIRMAN: We will make this paper available, and I think I have got enough sense of the meeting now to proceed from here. As a matter of fact, I think the point you referred to, Paul, we are going to have an early meeting of the steering committee of the task forces, I think, to reconsider the present situation resulting from our Mont Gabriel meeting on the constitution; and regretfully perhaps we need to make some provision in our arrangements as the result of Dean Lederman's indisposition in the next few months to carry on there.

PROF. BRADY: Incidentally, for information (the secretariat probably knows about it) there was a letter in the Star the other day -

perhaps more than the other day, a week or two now - by Marcel Faribault on the Supreme Court with his specific suggestions, correcting an editorial in the Star which had criticized him, in which he makes quite specific what he suggests, and it is very moderate incidentally.

DR. FORSEY: What does he suggest?

PROF. BRADY: I will read it if you like.

THE CHAIRMAN: Yes, please.

PROF. BRADY: "I have just read your editorial of May 31 titled 'A subtle threat to freedom in Canada'.

"Because it is self evident that Supreme Court judges from the common law provinces "are little versed in Quebec civil law, I "have suggested, as innumerable other "lawyers have, that cases from Quebec on "matters under the civil code should be "heard by a panel composed of Supreme Court "judges from Quebec and, in case there are "not enough of them on the court, judges "of the said province sitting ad hoc.

"The same solution would apply to cases "under the Quebec municipal law which is "also codified.

"The converse of this proposal would "clearly be that in cases from the other "provinces, in matters of ordinary contract, "estate, civil courts, etc., that is, all

"that corresponds to the Quebec civil law
"and municipal laws, the panel of judges
"should be selected from other provinces.

"However, this is something for the other
"provinces to examine themselves.

"I have consistently repeated and written
"that there was nothing I was suggesting
"for Quebec which I would not extend as a
"right to the other provinces. Should the
"other provinces prefer not to enter into
"these discussions, let them say so.

"But let nobody claim that citizens from
"Quebec are satisfied with the present set-
"up or are unreasonable in their stand,
"granting, as we must, that judges are not
"infallible and that courts sometimes make
"mistakes.

"As to the civil rights question, your editor-
"ial omits the fact that in my view a new
"constitution should include a bill or
"declaration of rights which would be
"applicable to all Canada.

"I refer you on this point to my book,
"co-authored with Robert M. Fowler, Ten
"to One, pages 35 to 45.

"What surprises me most is the curious
"compliment you seem to pay to English-
"speaking common law judges and lawyers,
"let alone politicians, that they will

"not discuss the interest of their constituents with a full knowledge of all consequences.

"At any constitutional conference the province of Quebec will be one and the other provinces nine. I have full confidence that each will expound the reasons for every proposal and that the solution will be equitable.

"But discussions there will have to be, which will not be helped by any innuendoes or implications of bad faith."

The part of the letter that is of interest is his suggestion about the panel on the Supreme Court, and if there are not enough judges on it, an ad hoc invitation to judges from Quebec and other provinces.

DR. FORSEY: I think we considered that idea.

MR. SEGUIN: We certainly did, because those were exactly the same recommendations that we made to satisfy Quebec by increasing the Bench, but never give them a chance to have their own last court. That is what we came to, giving them more judges, increasing to five, increasing the whole Bench to fifteen in all.

PROF. BRADY: You think that is preferable?

MR. SEGUIN: I know. I talk to Quebec lawyers who come to Supreme Court every day,

because, as I said to the sub-committee the other day, my firm were agents for 85 per cent of the Quebec law firms at the Supreme Court of Canada; so we meet them, we know what they want. None of them favour, except the young separatist lawyers, a last court of appeal in their province. They want to keep the Supreme Court, but they want to add additional Quebec lawyers appointed to the Bench. That is the only thing that Quebec is actually asking for as far as the Supreme Court is concerned.

DR. FORSEY: And I don't remember the slightest objection of anybody in our task force to this suggestion.

MR. SEGUIN: No, everybody agreed to that.

DR. FORSEY: It is most reasonable and sensible. In fact my recollection is that somebody (I think Dean Lederman) said an increase in the number of the Court was highly desirable for other reasons.

MR. SEGUIN: It is slow. There are several of them now are way behind in rendering Judgment.

MR. STEVENSON: The other question that comes up on this, Mr. Chairman, is that in the federal paper on "Federalism for the Future" given at the February conference, there is talk about a constitutional tribunal. There has been similarly from our various federal people and, of

course, from the Quebec people, for something that might be separated from the Supreme Court.

MR. SEGUIN: That is, the constitutional court.

MR. STEVENSON: Right.

MR. SEGUIN: They are taking that up. That could be an ad hoc court also by appointments from different provinces sitting on constitutional problems. That would be another section.

MR. STEVENSON: Right.

MR. SEGUIN: But the regular Supreme Court as it stands to-day, ninety per cent of the Quebec lawyers are satisfied.

-----Off-the-record discussion.

PROF. MEISEL: Mr. Chairman, there is a very large study going on of constitutional courts being conducted by three American scholars in collaboration with some people in other countries, and I think if you like I could find out. I know they have published one or two papers, but there may be other material which they have not yet published.

PROF. BRADY: Comparative study?

PROF. MEISEL: Well, yes. They are in part concerned with the effect of constitutional courts on the whole political system, so that they are not only dealing with the purely internal court adjudication but also the way in which people react to the constitutional courts and this kind of

thing, but I will be glad to find out. I know the people involved.

THE CHAIRMAN: All right.

DR. FORSEY: This would be interesting because if there is going to be a proposal for a special constitutional court, if Ontario is going to make such a proposal, then we had better have a pretty clear idea what we are getting involved in.

A friend of mine, ex-Hungarian, in jurisprudence among other things, said to me: "There is no difficulty about creating a special constitutional court. This has been done in various countries, notably Germany and Austria. But you cannot simply take the kind of thing they have done in Germany or Austria or elsewhere and graft it on to quite a different system of jurisprudence in Canada". You have got to take a look at the whole thing, and you may involve yourself in something far more complicated and difficult than may appear at first sight.

If the Premier has in mind not merely changing the Supreme Court but proposing a new kind of court, an extra court, a constitutional court, then we are perhaps on rather different ground, and we had better find out what sort of ideas he has, and see whether we think they are feasible or whether we think they can be modified to make them feasible. Whether they are desirable I don't know.

THE CHAIRMAN: We will, in the secretariat,

be discussing some of these ideas with him and redefine them more, which we can then in turn bring back to the task force and to this Committee and discuss it in terms of your views.

Can we take a five minute break?

PROF. MEISEL: May I just make one general comment, Mr. Chairman, before we do, because I suspect we will move away from this after the break.

THE CHAIRMAN: Yes.

PROF. MEISEL: And this is a very general thing and I don't think Eugene would disagree with me, but in some way I think perhaps modifying something that he has said earlier. He had been suggesting that there is nothing much going to come from discussions about revision or change in some of these institutions, such as the Supreme Court or the Senate, and he may be perfectly right; but I think that a great deal should be expected from the process of discussing changes. In other words, the political fact that governments sit down for two years and discuss something, even though they may not end up with anything very concrete, there is a fall-out from this procedure which I think at this stage in Canadian history is very important. So that even though we cannot get very far, we should continue as much as possible to discuss and to suggest and to meet with one another.

DR. FORSEY: I couldn't agree more; even if the result is that everybody becomes convinced

that it is quite impossible to arrive at any agreed change, they will have a better idea of why certain things that look awfully attractive at first sight may not look as attractive, even to their proponents, when they have examined the implications and counted the cost.

It is like Mr. Douglas's famous proposal for \$125.00 a month old age pension at 65. Of course it looks awfully nice, especially if you are within a year of 65, and it was received with "tonnerre d'applaudissement" according to *Le Devoir*; but, of course, the thunderous applauders would have deferred their applause if they had taken a look at the cost of it and, if it were thoroughly discussed, think "Oh, yes, it would be awfully nice to pocket it, but it would be awfully unpleasant to have to shell out the cost of it from the other pocket."

Similarly if you examine some of these fancy schemes for changing certain aspects of the constitution, it may turn out on examination that they, like Mr. Pepys' crucifix are "mighty fine but not so fine as I expected" - or, in other words, quite impractical.

PROF. FOX: May I just make one suggestion, that we might do this work through the summer?

THE CHAIRMAN: Yes. Well, would you like to stretch your legs for a few minutes?

-----Short recess.

THE CHAIRMAN: I thought I might report briefly on the first meeting of the Continuing Committee of Officials on the Constitution, and we shall be able to look at this a little more fully under item 6, when we come down to discussion of the Ontario propositions.

Essentially the first meeting, which lasted two days in the rather pleasant surroundings of the Mont Gabriel Lodge in the Laurentians, was concerned with the machinery and operations of the Continuing Committee of Officials and in charting a course for the future.

The chairman of the constitutional committee of officials is Mr. Gordon Robertson of the federal government. The provinces have appointed representatives who are a rather heterogeneous group in terms of their principal locus of activity within their own governments. They come from Departments of the Attorney-General, or from agencies such as our own here, or in other instances from what would appear to be somewhat less directly involved areas such as provincial archivists.

PROF. MEISEL: Is that P.E.I.?

MR. STEVENSON: P.E.I.

THE CHAIRMAN: However, a good deal of the discussion, as I say, centred about the technical arrangements and the wishes of the Continuing Committee of Officials that it be quite clear that the secretariat, for example, that is functioning

should be independent in the sense that it would be the servant of all the governments and of the conference. Mr. Ed Gallant, who was formerly Director of Federal-Provincial Affairs in the Department of Finance in Ottawa, is the secretary of the Continuing Committee - I beg your pardon, head of the secretariat to serve this Continuing Committee.

Now, the main issue was how to go about sorting out this great complex area: in other words, how do you sit down to revise a federal state, if that is what we are about to do?

The federal government's proposal was that each government might begin by putting forward a series of propositions which represented in a general way its views about confederation and its policies. It was finally agreed that these general propositions would, as far as possible, reflect the seven areas of investigation which were agreed on at the meeting in February, plus a broader category which was labelled simply "Objectives". This would be to try to establish the general goals or objectives for the federal state as seen by each government.

I think, as I mentioned earlier, the main contributions were made at the meeting by the federal government, Quebec, Ontario and New Brunswick; and those are the governments which, both by staff resources and by inclination, appear most interested in making positive contributions. Some of the other provinces said, for example,

that their involvement would take the form essentially of reacting to or considering the propositions put forward by others.

The agreement was that a second meeting of the Committee would take place July 24th to 26th in Ottawa; and following a discussion with the secretary of the conference last week our own recommendation is that it will be virtually impossible to have submitted a complete listing of propositions from each government, certainly from this one, by that time; and that we should confine ourselves for that meeting to dealing with propositions about the first category - general goals and objectives of federalism; and then try to establish clear arrangements for dealing with the particulars at subsequent meetings.

Our own contribution was composed very largely of one principle in terms of the operation of this Committee. We believe that it will be almost doomed to failure if it consists simply of each government coming and putting on the table its propositions and confronting one another with them and having action and reaction. Our own view is that the material should come forward to the Continuing Committee of Officials, and from them to the Continuing Committee of Prime Ministers and Premiers as a joint venture statement; that working sub-committees should be established who will bring forward as a joint venture various

proposals or various suggestions for consideration: and essentially I think this is accepted, that sub-committees should be established for these purposes.

It was also agreed that the chairmanship of these sub-committees need not always be from the federal government, but that those who have officials competent to carry out that work might head up these committees of different governmental representatives.

Now, we thought later in the day we might have some discussion of views here about appropriate Ontario propositions, and then I am going to suggest that in the next week or so members of the Committee might wish to follow up from this discussion and let me have their own views of some of the beginning propositions.

Again, I think under that item we can go into greater detail about exactly what is meant by "propositions" and exactly how this is intended to take place; but it is simply the problem of where do you begin in such a large area to start to give some definition to the nature of the discussion?

One final matter was set up. You may recall that at the meeting in February the Prime Ministers and Premiers agreed to the establishment of one committee in particular and at once, and that was a committee of officials to deal with the question of official languages. That sub-committee

was struck at Mont Gabriel, and there was complete agreement that the chairman should be Mr. J.S. Hodgson of the Privy Council Office. Mr. Hodgson is the man who has been in charge of the federal government's activities in the area of bilingualism in the federal service and in their general policy on official languages.

We were all asked to nominate members to work on this committee, and our Government has appointed Mr. Charles Beer of this department, and Mr. Omand of the Department of the Civil Service. Mr. Omand is the person under whose responsibilities the general establishment of procedures for bilingualism in the Ontario Civil Service, Ontario Government, has been placed.

By pure accident, Mr. Hodgson is in Toronto to-day meeting with our two representatives as part of a two-week cross-country tour which he is making. We thought it might be interesting to have him meet briefly with the Committee this morning to describe to it his work in the federal government and the work of this committee; and as soon as we have finished any discussions of questions on this report of the first meeting, we thought we would go immediately to item 5 and bring Mr. Hodgson in who is standing by at the meeting down the hall.

That is a general run-down of what happened at that meeting. If there are any questions about it -----

PROF. MEISEL: I would like to ask a question which you may not be able to answer or you may not want to answer. Are you in a position to tell us whether you think that the atmosphere and the general conduct of matters in the committee suggests that this is going to be a serious and productive effort?

THE CHAIRMAN: Yes.

PROF. MEISEL: On the part of the principal participants?

THE CHAIRMAN: I want to say that given the pitfalls of meetings of this nature in a general sense, that the thing got off to quite a good start. I would say, though I would not want to be quoted on this, that the quality of the participants is somewhat uneven, but beyond that I think the seriousness with which it has begun is a good sign it will be as successful as we make it, I daresay, from the input we can give it.

MR. STEVENSON: The secretary has taken as one of his basic tasks in the next while, to really get interest in participation in some of the provinces that haven't shown much right now up to the level of some of the other provinces. He is trying to use every means he can to get through to the centre of some of the more remote governments on some of the current problems, because this is where the difficulty is, and it certainly could be in subsequent meetings. You get a lot of

discussion and effort by three or four provinces and the federal government and almost nothing from the others, who then are perhaps stuck with some of the responsibility but who may not be too happy with what comes out of it. The aim is to get much more joint participation.

THE CHAIRMAN: To the extent that the civil servants there reflect the mood of their governments, I think it is fair to say there is not a high priority given to this obviously in some governments. As Don says, I think part of the important activity, and as you were saying earlier, Eugene, may simply be a large-scale educational activity across the board, whatever results.

MR. PERRY: Why does New Brunswick show up so well? Did they keep Max Cohen?

THE CHAIRMAN: Max was very much there.

PROF. FOX: He is always very much there.

THE CHAIRMAN: Their expression of attitude, their contribution to the discussion was practical, constructive and enthusiastic, and clearly demonstrated a strong interest in the whole matter.

MR. STEVENSON: A larger delegation than that of Quebec.

PROF. BRADY: New Brunswick?

MR. STEVENSON: Yes.

DR. FORSEY: They have a very direct and critical interest in this.

THE CHAIRMAN: Yes.

DR. FORSEY: Especially the Acadians, because if the show breaks up the Acadians are going to be in a very difficult position, or if it functions badly they will be in a difficult position.

PROF. MEISEL: You were talking only about the constitutional committee. There will be others dealing with regional disparities?

THE CHAIRMAN: Well, no, this committee of officials on the constitution is the civil service counterpart of the Premiers, and under it the various sub-committees will work on regional disparities and particular matters. For example, this committee on official languages is a sub-committee of the committee of officials and will report to the committee of officials.

MR. STEVENSON: Although there is quite a bit of reluctance on the part of some governments to see this group proceed into sub-committees too early, partly because many governments are spread very thin in this whole subject. They like to keep the discussion in the broad sub-committee as much as possible and deal with the propositions the way the federal government is suggesting. Two or three of the other provinces, and Ontario particularly, have expressed the view sometimes that it might be a little more productive to strike sub-committees a little earlier than some would like, but you have a real staffing

problem if you do that.

THE CHAIRMAN: Some of the provinces are simply very sparse in their resources. Another point I might mention on that, the federal government had suggested and the secretariat had asked, that to make this a truly federal-provincial secretariat they would like to have staff seconded from the provincial governments, and we have agreed to second a staff member from our secretariat to work with them in Ottawa on that venture.

PROF. FOX: You mean he would actually live in Ottawa?

THE CHAIRMAN: Yes, he or she.

PROF. BRADY: You had a comment, Ian, on the point you mentioned, that, as I understood it, the committee of officials would try to achieve a rounded view of what ought to be done with the constitution and submit it to the Ministers.

THE CHAIRMAN: To the Ministers, yes.

PROF. BRADY: And the federal officials agreed to that but were not favourable to it at the outset, is that right?

THE CHAIRMAN: No, I think it was generally agreed, was it not, Don, that the line should be in that form that we would hope that the officials could arrive at adequate consensus in what they put forward to the Ministerial Committee; bearing in mind that each official on that committee along the route is going to know his limits vis-a-vis his own government as he proceeds.

MR. STEVENSON: There was some difference of emphasis at the start, quite a bit, that narrowed certainly till at the end there was pretty good consensus that one should at least try to sort things out and get as much agreement internally as possible before things went up to the politicians.

MR. PERRY: Did it look as though it may be going to be possible to keep financial matters and tax-sharing dormant in this discussion? If so, this is one of the miracles of the 20th century. (Laughter)

THE CHAIRMAN: As a matter of fact, I think in summing up the chairman of the conference remarked that it is probably the first federal-provincial conference at which money did not creep in in an earlier and vigorous way; but, as you know, Harvey, there is to be another round of financial discussion in the autumn by the Ministers of Finance, and presumably thereafter by the Prime Ministers and Premiers. This will come in, of course, in the discussion of the economic disparity question. As a matter of fact the inclination there, I think, was to refer that issue to the continuing committee on fiscal and economic matters, the other committee of financial and economic officials, to perhaps talk over for this committee and try to keep this committee on the highest possible plane.

PROF. FOX: How many sub-committees were

contemplated? You mentioned one on languages.

THE CHAIRMAN: That was the only one that was struck. There are seven areas, of which that was one, that were set up at the February conference. Then, as I mentioned, we have added another area and this is general objectives and goals. The question will have to be worked out: what is the priority of attention of areas, and how many committees should sit at one time, and so on. There is no doubt the limitation of resources in the governments is one of the things that will affect the pace.

MR. PERRY: Was another date set for a meeting?

THE CHAIRMAN: Yes, the next meeting will be July 24th to 26th, which will be really a second round of setting the stage. Then they hope to have a third meeting in the early autumn, September or early October, from which they might be able to bring forward a preliminary report for further action from the political committee.

PROF. McIVOR: You mean further action in one or other of these specified areas?

THE CHAIRMAN: Perhaps either further action in specified areas or further direction in terms of machinery and approach.

MR. PERRY: Would one wait for direction on specific areas to study?

THE CHAIRMAN: I don't think so, no. I think the mandate is pretty broad in that regard.

If there are any other particulars here, we can certainly get into this again in greater detail when we come to item 6. Perhaps, with your permission, we could have Mr. Hodgson in now and deal with item 5. Would you bring Doug Omand too?

PROF. McIVOR: The matter of regional disparities will not be taking low priority for very long.

THE CHAIRMAN: No, it will be right up there.

PROF. McIVOR: Unless it is pushed off into -----

THE CHAIRMAN: It is a tough one to deal with, but it will be up there.

-----Messrs. Hodgson and Omand joined the meeting.

THE CHAIRMAN: Mr. Hodgson, as you know, this is a meeting of the Ontario Advisory Committee on Confederation, which is a group that has been meeting now for over three years in the course of providing advice to the Government of Ontario on matters to do with Ontario's position in confederation.

I have just been giving a brief report on the work which we will be having under way under the aegis of the Continuing Committee of Officials on the Constitution, and have reported on the particular committee which you are Chairing, the committee on official languages, and on your cross-country tour - and I am not sure at what stage that is.

I also mentioned that Mr. Omand of the

Department of Civil Service and Mr. Beer are the Ontario participants in this committee.

We should be very happy if you wanted to say something about your own work with regard to bilingualism in the federal government, and also about your objectives and methods in the committee on official languages.

MR. HODGSON: Mr. Chairman and gentlemen, this is an unexpected pleasure. I did not know until I arrived here this morning that your Committee was meeting, and I am very glad to have the chance to meet with you and to mention a little bit about what we think we are doing.

The Chairman has indicated that this sub-committee on language rights has not really been born yet. Its inaugural meeting will take place next month, but preparatory to that I have been engaged in a lightning run across the ten provinces. The Fathers of Confederation very considerably established a country with ten provinces, and as we have a five-day work week this fits very tidily. So long as we don't get another province, we are going to be all right.

THE CHAIRMAN: Or a shorter working week. (Laughter)

MR. HODGSON: I might say I have saved the best to the end: Ontario is the tenth province visited. All that I have been doing is to present myself and to discuss informally in a preliminary

way with the officials of each government the kinds of problems that we seem to be headed towards, so that I could get at least a flavour of those problems as seen in each province, and get a preliminary notion of the kind of agenda that might be useful at the initial meetings.

I think really that is all I have to say with regard to the future sub-committee. It is to produce at least an interim report within about five weeks time, but I am afraid it will be a very interim report because the subject is really too large for treatment at that pace.

With regard to the federal government's activities in the field of bilingualism and biculturalism (whatever that is) you, of course, are familiar with many aspects of it. The story, I suppose, really begins in 1963, when, you recall, the Royal Commission on B. & B. was established, and on the other hand, almost simultaneously, an inter-departmental committee on bilingualism in the Public Service was established.

The officials did better than the Commissioners in completing their paper work. The inter-departmental committee reported about Christmastime, 1965, and then on April 6, 1966 Prime Minister Pearson made a policy statement in the House of Commons with regard to bilingualism in the Public Service of Canada, at which time he indicated the objectives. I suppose the objectives could be

boiled down to the idea of giving Canadian citizens the services of the federal government in either official language wherever this was a viable proposition; secondly, improving the opportunity for federal civil servants who happened to be Francophones, to use their own language in the course of their duties. It was stated in somewhat more detail, but I think those are the two principles that the federal government has been aiming towards.

At that time there were seven or eight programs announced, and I don't think I could remember them all so I won't try, but one of the things that happened was that a special secretariat on bilingualism was established in the Privy Council Office, and this was made one of the things that I had to watch.

Well, language training is, of course, an inherent part of this. In 1963 there was no such animal in the Public Service, except for the odd case of a chap who had to learn Spanish or Bulgarian or something in order to be a diplomatic representative abroad.

As of now the language training system of the Public Service has at any given time about five thousand students. It is gradually moving away from the hour-a-day teaching and moving towards total immersion and semi-immersion -- and federal civil servants are becoming wetter and wetter as the days go by.

We also have a well known bicultural development program whereby we pick every year twenty very senior civil servants who are Anglophones and send them down to Quebec City for a year with their families, at the public expense, of course; and we take ten senior Francophones and send them to this fair city with their families, where they divide between York and Varsity. The purpose of this is partly language training, but chiefly to make each group a little more familiar with the cultural values of the other group.

When I say "senior officials" I really mean it - presidents of Crown corporations, Secretary to the Cabinet, Deputy Ministers, Assistant Deputy Ministers, and about one level below that. These are the kinds of people that we are sending on this program.

We have instituted pay differential for secretaries and stenographers and so on who are able to and are required to use both languages in the course of their duties.

We have done various other things, but at the moment the matter which is, I think, occupying principal attention is the preparation of an Official Languages Act. This is being prepared in draft. The present Government has indicated that they would wish to introduce such a Bill early in the next session of Parliament, and the most loyal Opposition has indicated that it too favours the idea of introducing an Official Languages Act

at an early date. So that regardless of what may happen a few days hence, officials in the back rooms are getting their documentation ready, and this Official Languages Act, if approved by the Government concerned, would do a number of things. It would first of all declare that the two languages are indeed the official languages of Canada for all federal purposes, including Parliament, the Courts and federal government administration.

It would place an obligation on the Courts to make certain that nobody is prejudiced in dealing with the Courts because of inability to speak one or other of the two official languages. It would establish bilingual districts in Canada in areas where the population is divided between the two population groups, and would provide for the kind of linguistic regime that would prevail in those bilingual districts.

It would provide for the appointment of a Commissioner of Official Languages, who would not be a public servant but would be a servant of Parliament.

These are four of the things it would do. It would do two other things, but, bless my soul, I don't remember what those two other things are.

PROF. MEISEL: Would it set up the districts?

MR. HODGSON: No, it would provide for

the setting up of the bilingual districts, but it would not actually set them up. That would be a matter that would have to be defined both as to what you do in a district and as to the territorial boundaries of particular districts, but it would provide for how this shall be done.

DR. FORSEY: It would be done presumably by Order-in-Council or regulation of some sort.

MR. HODGSON: I would presume it would be done by Order-in-Council to define the district, and then possibly a further Order-in-Council or proclamation or something to give effect to the substance within that territorial limit. There might be combinations in process in particular cases where this would be done at some length.

I do remember another provision of this Official Languages Act. It will, of course, enjoin government departments and agencies to provide service in both languages from their head office, wherever that may be, and from all of their offices within the bilingual districts; and it will also enjoin those departments and agencies to provide service in both languages to the travelling public of Canada anywhere in the world, which, of course, may in practice be an extremely difficult thing for people like the C.N.R. and people like Air Canada and so on. This one is being looked at with quite some care, being obviously it has some major problems associated with it. I have now five of the six provisions.

PROF. BRADY: I wonder, Mr. Hodgson, if it would be appropriate to ask the question: What, in implementing the federal policy, have you discovered to be the most stubborn difficulty or the problem that cause you most concern - if that is not an unfair question?

MR. HODGSON: That is a perfectly fair question. I think there has been nothing obtrusive that has been an absolute obstacle, but there has been the very sensitivity of the question which meant that one had to proceed rather gingerly, rather in a leisurely way so as not to rock too many boats too quickly. I think this has been one of the elements.

Also I think there has been a degree of uncertainty in selecting objectives. For example, in the field of language training one starts by trying to make everybody bilingual who comes into your language training course, but when you take a look at it you realize that this may be a very expensive and unnecessary objective at least for some kinds of work where a form of receptive bilingualism is all that you need. The other is perhaps desirable, but for operational and functional, for immediate purposes it may be more important to develop receptive bilingualism in a larger number of people, and then come back to them later to try and elevate their linguistic proficiency.

DR. FORSEY: By "receptive bilingualism"

you mean the sort of thing that Grey and Cambon used to have in their conversation. Grey talked English and Cambon talked French, and each understood what the other was saying, but Grey made no attempt to talk French nor Cambon to talk English.

MR. HODGSON: Precisely, and also it can be seen in the case of the elevator operator, for example, who needs to know what a few words mean and that is all. Instead of teaching one elevator operator to be fully bilingual, it is better to train a hundred of them to do their job properly.

MR. STEVENSON: Would this mean in terms of language training you have switched basically from trying to get a lot of people into short-term courses and now place much greater emphasis on immersion or partial immersion? For a province like Ontario would you, from your experience, recommend the same kind of development, or would you think what you did in your shift was profit by learning mistakes?

MR. HODGSON: So far as we are concerned we find the one-hour a day expensive, time-consuming and wasteful. If your objective is to make a particular person as bilingual as you can, then total immersion or partial immersion is the cheapest, quickest and the best. But, of course, in other cases you may have a different object.

MR. OMAND: I think the experience we have

had has pointed us in the same direction, and it is interesting to discover this parallelism. I presume you stumbled along the same path that we are now following and have come to certain conclusions which I think are inevitable in our case.

DR. FORSEY: What sort of success have you had with the English-speaking people who have been given total immersion? I met an official and his wife who had been going through this in the City of Quebec. My wife met them too, and she was more favourably impressed than I. Her knowledge of French is better than mine, so perhaps I was unduly disappointed, but it seemed to me they have not really got very much past what has been called the "Est-ce que vous avez?" stage of French. How are they getting on? Are they managing to pick up a pretty fair capacity to express themselves in French?

MR. HODGSON: This is a very good point. When this bicultural development program was first initiated, we didn't know, as we now know, that the language training facilities at Laval University are not designed to teach people French but to instruct French language teachers who will teach other people French. This assumed, in other words, that the students at that Laval course are already bilingual. This is one thing we learned, and in consequence we had to establish in Quebec City our own language training facilities to help

our senior officials.

Another thing we learned was that you couldn't send any person for this year's sabbatical unless he has first achieved a certain level of proficiency - a third degree we call it, which is about half way to mother tongue proficiency.

In the first year we sent a lot of people who were practically beginners, and, as you say, it was nearly a waste of time linguistically speaking. However, now that the people we are sending down there are already reasonably proficient, we are getting far better results in most cases.

What we are now doing then is trying to select provisionally, at least a year before departure, and then we immerse these people in Ottawa or wherever their home station may be, two or three times before they take off for Quebec, and this seems to be working much better.

PROF. MEISEL: Is there anything being done to follow up? I have a notion people who have been properly baptised can become unbaptised again if they don't have lots of opportunity for swimming after they get back to Ottawa. Are they encouraged or compelled, or in some other way treated, to talk French when they get back?

MR. HODGSON: As you say, if you spend thirty thousand dollars on somebody, it is a shame just to let that money go to waste.

So far the matter of retention of

language training has not been systematically attacked. We are very conscious of it, and we are trying to create opportunities in a person's career pattern so that he can benefit from the training - both the fellows that went to Quebec City and the hundreds of others who had the language training.

We are trying also to create extra-curricular opportunities at university and so on, but we are just coming to grips with this. We have been sensitive to it as a problem for a long time, but until you get your pupils to a certain stage the problem is less immediate.

DR. FORSEY: It is a very important one, because you can easily attain a certain degree of proficiency in a language, and if you are not using it regularly you can lose it quite disastrously. Thirty years ago I could speak fluent, though highly ungrammatical, German and I could get along very well. Now I can say "Good morning" and "Good night" and that is about all, and it has just gone completely because I am simply not using it.

MR. HODGSON: One element of that problem, of course, is to select the right people to train, people who are likely to have a subsequent use, rather than selecting your students at random as we did at first. We simply called for volunteers in the first instance.

MR. STEVENSON: How has your tour gone so far, better or worse than you expected?

MR. HODGSON: It has been a little more tiring than expected. I think better than expected. I think I have some feeling of where the problem areas are and what are the things that are most urgent to do, and what are the things that are best soft-pedalled for the time being.

PROF. BRADY: Do you find the degree of interest as great as you anticipated or less?

MR. HODGSON: About what I expected, I think. I knew that the Province of Ontario was very vigorously immersed in this whole problem, and New Brunswick in particular, and of course Quebec. I also knew that in the Western Provinces the problem seemed a little bit remote and there may be a tendency to misunderstand the character of the problem and the nature of the current objectives. There are unnecessary fears, I think, in some quarters, but it confirmed the kinds of things one would expect.

PROF. FOX: I was going to ask two questions. I wondered if perhaps the other thing that the Official Languages Act would provide for was a federal-provincial review council. Was that considered? That is one of the B. and B. recommendations.

MR. HODGSON: Yes. No, the Bill is not likely to provide for that, though it is likely to provide that the definition of "bilingual district" by the federal government be worked out

in consultation with the provincial government concerned if the province is going ahead with that kind of thing, having the objective, of course, of trying to strike the same geographical limits; but it was felt that the purpose of the federal government setting up a bilingual district was simply so that it can say: "Within this area we promise to make federal facilities available in both languages." While there is an advantage in having this tied in with the territory selected by the province, it is a thing that can be thought of by itself, if necessary.

PROF. FOX: The other question arose out of something I saw in *Le Devoir* related again to the problem we have discussed here, and that is the shortage of translators and interpreters. I noticed in this advertisement in *Le Devoir* that the federal government was now prepared to spend money on a program of training prospective employees for the federal government.

MR. HODGSON: At the University of Montreal at the moment.

PROF. FOX: And I was interested to see that. Perhaps you can tell us a little bit about how that program you hope will operate.

MR. HODGSON: In substance it is financial support of selected people who go to the University of Montreal and who have become qualified as professional translators and who then serve with the federal government as such for a period -

I forget, but I think it is three years; and if they should leave the federal government prior to the expiry of the three years then part of their debt be paid back.

PROF. FOX: Does that include interpreters as apart from translators?

MR. HODGSON: No, translators I mean.

PROF. FOX: Just translators.

MR. GREATHED: Jack, I wonder would the sixth point be the linguistic ombudsman?

MR. HODGSON: I think I mentioned that on the question of official languages.

PROF. FOX: You find then there is a greater shortage of translators than interpreters?

MR. HODGSON: I think there are shortages in both dimensions, but our numerical requirement for translators is the important one. We need hundreds of them.

MR. STEVENSON: Mr. Macdonald has been called out to see the Minister for a few minutes, and he has asked me if perhaps we could carry on with the meeting.

I thought perhaps while Mr. Hodgson was here it might be useful at this point if perhaps Ed Greathed and Doug Omand gave a little description of progress in the bilingualism task force within the Ontario Government, and then perhaps further discussion might relate to both federal and provincial activities, if that is O.K., Ed.

MR. GREATHEDE: All right.

MR. STEVENSON: Unless there are other questions of Mr. Hodgson.

MR. PERRY: I have just one, which may be a bit outside his territory. I was wondering what recent evidence there is of attitudes among French-speaking people to employment with the federal government.

MR. HODGSON: There has been, I think, a considerable improvement. In the spring a year ago one-third of our University graduate recruits were from the Francophone university, and that was about three times as high as we had ever had in any recent year.

There are still difficulties, because Ottawa in particular is not a true reflection of a bicultural country. The establishment by Ontario of public secondary schools in Ottawa will be an enormous step, I think, in making it easier for us to recruit federal civil servants. I think we all owe you some money on that one. (Laughter)

DR. FORSEY: Very incautious admission!

MR. STEVENSON: How about the backlash reaction of English-speaking, unilingual civil servants in Ottawa? Do you detect any lessening or increasing of the unhappiness that has been evident on the problem of bilingualism of the civil service generally?

MR. HODGSON: One is aware of it all the

time, individuals who seem to think that they are expected to learn the second language and who do not wish to do so, and who feel that their career is prejudiced if they don't. It has not been a vocal attitude, with the exception of one or two Members of Parliament, but it is an under-current. This is the reason why we have been treading it gingerly. I think it has probably eased a bit in recent months, but these things come and go in cycles.

MR. GREATHED: Well, Don, I might just report briefly on item No. 3 on the agenda - a report on the government task forces.

Members will recall from Mr. Robarts' statement at the constitutional conference in Ottawa on February 5th and his subsequent statement to the Legislature on February 27th, the establishment of four task forces to investigate the various recommendations of the first volume of the Royal Commission's Report. These four task forces were on administration of justice, municipal administration, the Legislature and provincial statutes, and the provincial Public Service. The Federal-Provincial Affairs Secretariat was given the responsibility of co-ordinating the work of these four task forces.

Very shortly after, well, when Mr. Robarts had made his statement on February 5th, the plans for these task forces were already in train, and very shortly thereafter specific appointments were

made and we got under way in our work by the end of February.

I am very happy to report that despite the rather stringent deadline of the middle of this summer, a deadline by which the Prime Minister wanted the reports in his hands, due to the rather heroic efforts on the part of various members of the task forces I think we are going to meet this particular deadline

Just very briefly I might report on the progress. We have already received in draft form the first draft report from the municipal administration task force, the task force on the Legislature and provincial statutes, and on the provincial Public Service have agreed to the broad outlines of the contents and I expect that the first drafts of these two reports will be in our hands by the beginning of next week.

The task force on the administration of justice, I think, has presented some particularly difficult problems - problems of implementation, the very administrative problems; and while I think some very inventive suggestions have come up in the course of that study, their report will probably be along a little after the other three, probably towards the end of next month.

As I say, Mr. Omand, who is here to-day, is the chairman of the Provincial Public Service task force. The administration of justice task

force is chaired by Mr. Russell, who is Assistant Deputy Attorney-General. The legislative task force is chaired by Mr. Lewis, the Clerk of the Legislative Assembly. The municipal administration task force is chaired by Mr. Claskey who is Director of Research Branch of the Department of Municipal Affairs.

Members of the Federal-Provincial Affairs Secretariat are on each of the task forces in their capacities both as members of the task forces and to provide secretarial assistance.

I think that is all I have to say. If there are any questions about it, I will be happy to answer them.

MR. STEVENSON: Would you like to say anything at all, Doug, about the progress of yours?

MR. OMAND: We have instituted French language training programs based on the immersion program for senior public servants as selected by their Deputy Ministers.

Now, this is following the line that I think you mentioned, that we are hoping that the persons who are subjected to this will be chosen from those who will have some contact with their French-speaking colleagues and there will be some possibility of maintaining the training by those means.

We have instituted, or have offered French language training to members of the Legislature

and this has been remarkably well received. We have about fifty of the Members now in regular attendance four days a week, and the only time we could fit this in is between six and eight in the evening, between afternoon and evening sessions, and the attendance has been very, very good. We have to serve dinner during the course of this, of course, and that may have something to do with it.

DR. FORSEY: Cuisine française.

MR. PERRY: Wait till you see the lunch they serve us here - just sandwiches.

MR. OMAND: We got into this program of course, we began the first instruction some time early in May and we have to wind it up, I believe, towards the end of June because of the vacation period that is coming on, and we hope to get back in full-scale in September - actually to get back in on a much larger scale than we are in now.

We have had about a hundred and fifty applicants from the senior Public Service, and of these I think about seventy or eighty are now undergoing regular training. The others are in various processes of being tested and graded and assigned to suitable level of instruction.

We have engaged the necessary people to carry out this program. The head of it is one of the Laval people who is highly recommended from there as a teacher. I had some qualms after your remarks about your experience at Laval.

We are, of course, facing the same problems that you faced one or two or more years ago. The effectiveness of the two hours a day business is certainly under very careful study. It takes a lot of time; it is very often interrupted because the people who are taking this are in positions in which they cannot always undertake to be at a certain place at a certain time. We certainly are planning on getting into an immersion situation in the fall. We felt, however, a great many of the people we were dealing with, that you cannot back-pedal and it will be unwise to be immersed for any length of time; so we are hoping to at least provide these people with the basis that we expect them to profit more fully by an immersion program which I think we will probably come around to in the next year or so on a major scale, but this once again is in the future, and is now in the formative stage.

I will be happy to answer any questions.

PROF. FOX: I could ask the same question I asked Jack about, and that is the question of an adequate number of translators. I don't suppose you have faced this problem.

MR. OMAND: We have faced this problem on the scale at which we are operating now.

... law forces, particularly having to do with the Judiciary, Legislature and statutes, municipal structure and so on, and the extent to which these

task force recommendations are adopted and put into effect, will influence what our requirements are. As it stands now, we are, I think, reasonably well equipped. We are able to assign fully bilingual receptionists, secretaries and whatnot on demand, and actually the demand has been very limited. I am talking now, among the Public Service here at the headquarters.

MR. HODGSON: Don, for the sake of my conscience, may I just interject. The sixth point in our Official Languages Bill is the publication of public documents in both languages simultaneously wherever possible. This too will have its problems.

MR. PERRY: You have been referring to immersion programs. Is this still a sort of experimental concept, or is it beginning to take some sort of shape as to time and environment?

MR. HODGSON: If I can speak about the federal side, we regard it as well established. We have bought a large college in Hull which we are using for total and partial immersion. By "total immersion" we mean that you leave your wife and family day and night for three weeks and you forget your language of birth altogether during that three week period. You then go home and meet your wife again, and two months or so later you have a second immersion of the same kind.

Partial immersion is from 8.30 a.m. to

8.30 p.m. over a period of three weeks, but you may go home. We find that both of these are well established and very effective methods.

MR. PERRY: Double period of six weeks with a break.

MR. HODGSON: You can go or more or less indefinitely depending on the proficiency level that you are seeking to gain, but two is the standard.

MR. OMAND: As far as Ontario is concerned, we are not actually into this yet, although we expect we will be providing an immersion situation for the Members of the House for about two or three weeks prior to the opening of the Legislature in the fall. This depends on the interest that they display. We are canvassing them this week, those who have taken instruction up to now, and if we get fifteen - I believe our minimum is fifteen - if we get fifteen we will establish an immersion program.

We have recently acquired a place that we will be able to build into a Public Service staff college, that is up outside of Barrie on the south shore of the Kempenfeldt Bay, and this would certainly be used, but we have only recently taken it over from private interests and we won't have it open for public use before next spring.

In the meantime we will use rented premises or possibly a school.

PROF. McIVOR: Seems a good little place for total immersion.

MR. OMAND: Just by coincidence it has a golf course attached to it.

MR. STEVENSON: I gather the task force on municipal administration has done quite a bit of investigation of the degree of actual services now being provided in a whole range of municipalities across Ontario.

MR. GREATHEDE: Yes.

MR. STEVENSON: In the two languages, and from that it is trying to draw recommendations which will become applicable to centres of different categories; but to what extent have you yet got into the provision of services by government departments and agencies in the provincial Public Service? Is this phase 2 after training?

MR. OMAND: To the extent that we have attempted to assess the requirements of the departments we have gone into some detail with the departmental heads on their requirements, whether here or in the field in their deployed setups, just what the requirements are and how we may best move to fill these.

As it transpired, the departments that have had significant requirements for language facility have acquired these over time for the simple reason that they could not carry out their plans otherwise.

The Social and Family Service Department, for instance, which is normally one that would have

to deal in the native language of the client, finds no requirement at all for French training at the working level, that is other than at the senior executive level. Similarly with the Department of Reform Institutions where there are institutions which are likely to require these, they have mainly recruited bilingual people to staff these institutions.

Once again, I believe that the effect of these task force reports may influence us, because there may be a greater demand develop by the fact that the facility exists. It has happened before. Then we will have to take a look at it. But as it stands at the moment we have requirements not only for French but for twenty or thirty other different languages in industries like construction inspection, apprenticeship training, all the way across the board.

Where language requirement exists, the Department in the normal course of carrying out its program, has moved to meet it. We are not as far behind as we thought we were.

PROF. MEISEL: We have heard about four areas - municipal government, Legislature, Justice and civil service, but the one thing we have not heard anything about is education.

I wonder if Charles Beer or someone who has been close to this, might tell us particularly what the reaction throughout Ontario has been to the new winds.

MR. BEER: Mr. Chairman, I have just come back the last day and a half from a barn-storming trip through Northern Ontario that took on elements of an election campaign, with airplanes failing to work, ending up last night - or rather the previous night - at 12.30 in North Bay explaining the legislation to various French-speaking groups. We had done this throughout Timmins, Kapuskasing, New Liskeard and various other centres, and it has also been done in areas of the south-eastern part of the Province.

The legislation that has been introduced was presented on May 30th. Now unfortunately we are just waiting for the third reading. It has gone through two readings, sent to the Standing Committee on Education and everything went smoothly and there are no problems. As soon as the third reading is finished we are sending to all members here and to school boards and so on copies of the legislation and of the Minister's speech. It is too bad that this is not happening as yet, because we wanted to get it out last week. However, as soon as that is ready we will send it out.

The reception, I think can be judged in terms of what has already been going on in various areas like Ottawa, Timmins, Sudbury, Welland and so on, where they have already begun plans to start French, increase French language programs, having French language secondary schools, this September.

Now in many of these areas these arrangements have been worked out, and they will begin. The legislation itself comes into effect on January 1st, 1969, and the reason why it comes into effect on that date rather than, say, June 30th of this year, is that you may be aware of the changes that have been made in educational jurisdiction with respect to school boards. They have completely revamped the whole structure and they did not want to begin this program with a great many school boards that would be disappearing as of December 30th of this year. It is for that reason that the coming into effect of this legislation is January 1st, although provision has been made to cover any arrangements that have been made this year; that this is permissive and acceptable and there are absolutely no legal problems to adding the French language instruction in as many courses as may be started for this September..

Now, what will happen in September at the secondary level will affect mainly the arts and science programs; this will not immediately affect the vocational courses, although this is important. In Ottawa they are planning to build a French language composite school in which these various courses will be offered in French, but at least initially it will probably be just in the arts and sciences; although if they have an instructor on some particular aspect of vocational

course who can do it in French, this can be done.

At the elementary level, of course, there are already schools that exist and have existed since confederation in which French has been used as the language of instruction; and the legislation essentially gives a firm legal basis to the situation, because there had not been any such clear statement that legally these schools could instruct in French, but it won't essentially change or introduce something new, except in areas where it is now set out in the legislation that given a certain minimum number of pupils the parents can say to the board: "Look, we now have the required minimum. We would like to see Grade 1 also (or what have you) begin instruction in French" and there are provisions for that going right through to full elementary school.

I think another important aspect of the legislation is the provision for the instruction in English which is made, and the fundamental content in the secondary schools legislation concerning the creation of a French language committee.

Now, in the Prime Minister's speech last August announcing that a committee would be set up on schools, he said that these schools would be within the present public system and that he was not talking of a parallel system. So, in other words, there will be the one divisional school board and all these schools will come under

that divisional board. So to ensure that the voice of the Francophonic community will be heard, what was suggested was that there be created French language committees made up of three members appointed by the board and four French-speaking persons elected by the French-speaking ratepayers of the new divisional board area.

In the legislation there are listed the kinds of responsibilities and duties that this French language committee will do.

In other words, you can sum it up by saying that they can make recommendations on the whole range of school administration - courses, teachers, what have you.

Now, it is true that in the final analysis the school board can say "No", but it is expected from the experience of these other areas which have already begun programs, where you have had groups of English and French-speaking people, board members and non-board members working together - we feel that in the vast majority of cases this will work quite well.

Needless to say, we will be watching very closely in areas where perhaps some problems may arise between some members of the board with this special committee; but one of the additional reasons we feel this may work very well is that when the new divisional boards come into being the organizational problems that will be faced will

be vast because it is a completely new concept, and they will probably be very happy to have a special committee which will be studying all the problems involved with French language schools. As there will be three members of the board on this particular committee, it was felt that this approach would be the best one, given the framework in which we were working, once the various methods as to how this committee is set up is spelled out in the legislation, the election of the French-speaking members is spelled out and so on - and the fact that in this Bill language is mentioned. This is unique in Canadian legislation anywhere, because, of course, in Quebec there is no mention made ever of the language of the schools, and it has only been rather more as a fluke, the fact that Protestants have been English-speaking, that there have been the English-speaking schools in Quebec.

We feel with this particular kind of legislation it would be extremely difficult for a St. Leonard situation to arise in Ontario. There may be difficulties, and I do not say this is going to automatically make it a cinch everywhere for these schools to be created, but it does spell out that these are language rights, not religious rights of these kinds of schools, and I think this is an important distinction that is very useful.

That is a sort of brief canter through some of the provisions. It would take some time

to go through each article of the various bills, but as soon as the third reading is done, as I say, you will be receiving a copy of the Minister's speech and copies of the Bills.

There are a couple of additional small amendments which are being made, to give the Minister power to say what language can be used in the schoolrooms of the schools, and these will all just go through at the very end of the Session where there are amendments to the part of the Act that concerns the Minister's responsibilities. There might be fifty, sixty things, and they just kind of pass through, but the official part of the legislation covering the elementary and secondary schools has now gone through.

One final point. You may have seen in the newspapers that agreement has been reached between the Department and the University of Ottawa to set up a college of education for secondary school teachers in the French language, and this will begin to meet the increased demand for French language secondary school teachers. So that I think we are well on the way to achieving something pretty sound.

THE CHAIRMAN: Thank you. I think you have a twelve-thirty time you are shooting at, so I think if we might then conclude our morning meeting, we will resume our agenda after lunch.

I would like to thank you both again for

participating this morning, and may I add my apologies for slipping out at one time, but my Minister and I were both going to be out of the country for ten days following this week-end, so I got the call

DR. FORSEY: May I say, Mr. Chairman, I think all we have heard has been most encouraging. Especially to a person of my age, it seems almost impossible, like fairyland, that some of these things are taking place.

THE CHAIRMAN: I think we are pretty happy with what has been developed.

MR. BEER: One thing I would think would be of interest to everybody in relation to these meetings. When I say some of them had a kind of election atmosphere, I am not kidding. In Kapuskasing there were over three hundred people, and one of the members on the committee got up and gave a very good discussion of what it would mean to have a French language school, and quite literally at the end there was just thunderous applause. It was really just fantastic to see the reaction of the people in these various areas, the tremendous amount of interest. In each case the various French-speaking groups were represented, and usually we had an opportunity to talk to some of the English-speaking members of the board or whatever in these areas, and we were very much encouraged by what was going on.

THE CHAIRMAN: Well, the Committee will adjourn for lunch as usual, and resume after lunch.
-----Lunch adjournment at 12 40 p.m.

-----On resuming at 1.45 p.m.

THE CHAIRMAN: If we might resume, we had completed item 3 and item 5 in the hour before lunch, and I suggest we then revert to item 4, which was reports on the work of our own sub-committees and task forces.

Ed, I think perhaps you can introduce this and set the stage for any remarks that the various chairmen wish to make.

MR. GREATHEDE: Mr. Chairman, the only formal report I know of is from the chairman of the task force on the Royal Commission on B. and B., and perhaps Professor Fox would like to give a summary of his report on that.

PROF. FOX: I am glad you said "summary". It is a fairly long report.

Well, you have this before you, Mr. Chairman. I don't know whether the members present have had time to read it yet. We had hopes of mailing it out to you in advance, and I apologize for the fact that you have just received it now, but it did not prove possible to get it out before this, and I was very anxious to bring this to you before we rose for the summer.

Very briefly, I can say that it represents reflections and discussions in our task force on the B. and B. in two meetings which we held on the dates noted there, and we feel that we have completed the first phase of our work. There are one or two

things left over. I don't think we viewed the proceedings as having been completely terminated. We thought we might still have things to do if the Committee wished us to do it, or if the Prime Minister did, but we do feel that this is a fairly searching examination of the recommendations.

I might just add that to facilitate your consideration and consideration by others of our comments, Charles Beer suggested very wisely that we might attach the recommendations taken from the B. and B. Report as an appendix, and add to them the numbers that we have assigned the recommendations. The B. and B. did not give numbers to their recommendations, but there were some fourteen in number, we believe. So that is the significance of the numbers in the left-hand column, and it is to those numbers that we refer, and the items in round parenthesis after each item are from the B. and B. Report and refer, of course, to the paragraphs so numbered in the B. and B. Report.

I do not think I need to add anything more, Mr. Chairman, unless members have not had time to read it and they wish to take a few minutes now and discuss the items. I don't know. I am at your disposal.

THE CHAIRMAN: Why don't we take a few minutes and just breeze through this?

DR. FORSEY: I was not able to be present

at either meeting of this task force, and I am at liberty to say I think this is a very good report.

There is only one question I want to raise about it, even before people start reading it, and that is on page 5 there is a reference to an error in one of the B. and B. recommendations. I am quite certain that this is merely an omission in the English version. I am perfectly positive that the thing that is omitted or described here as omitted, appears in the French version in full; because I remember on one occasion we were discussing this and I had the French version here and compared it, and I said "It is here".

PROF. FOX: I am sorry. You are quite right.. Perhaps it would be more proper to say "The task force noted an omission in the English edition".

DR. FORSEY: I am quite certain it is in the other, because I looked at the time. I gather from Roger's nods that he agrees it is present in the French version.

MR. SEGUIN: Yes.

DR. FORSEY: I am a little amazed also by an omission "not requiring" something. It must be a rather interesting feat for an omission to require anything or not require anything.

PROF. FOX: I thought of that; I thought of you. Now my worst fears have been confirmed.

DR. FORSEY: I suppose you said to yourself: "Hopefully he will not notice it."

PROF. FOX: I did as a matter of fact, and the other bell rang. I will never be able to read "hopefully" again without thinking of you. You are immortalized.

DR. FORSEY: The answer is "Regrettably he did."

PROF. MEISEL: This is going to be common usage before long.

THE CHAIRMAN: What?

PROF. MEISEL: "Hopefully" in that sense.

DR. FORSEY: Fortunately my days on this terrestrial ball are likely to be few, so this is one of the many things I shall escape from.

THE CHAIRMAN: Unhappily. Have we all had a chance now? Any comments or any particular matters to direct our attention to, Paul, or to underline?

PROF. FOX: I suppose there are some things we could discuss at some length, but I don't know whether you wish to do so. There are a few concrete suggestions in the report that perhaps merit examination. Would you like to take time to go into them now, if members are interested?

THE CHAIRMAN: I think it might be worthwhile myself to spend a few minutes.

PROF. FOX: Then I think probably there is nothing before page 3. I think up to page 3

it is pretty much information, unless there is anything anyone wants to discuss there.

MR. STEVENSON: Why did the group decide not to discuss recommendation 2?

PROF. FOX: Well, we felt that Mr. Robarts had made it pretty evident that he was not prepared to declare Ontario officially bilingual, and there was not much point, therefore, in discussing it. I don't know whether other members of the Committee wish to add anything.

PROF. MEISEL: Well, that was certainly the major factor, but also some of us, I think, felt that a recommendation that we act on this would not get the approval probably of certainly anything like the major proportion of the Committee as a whole, and that since the matter was in a sense academic there was not much point in taking up the time of the whole Committee in arguing this again.

PROF. FOX: I think we felt we were more interested in the substance of what was done than in the declaration; that here we were really perhaps sharing Mr. Robarts' point of view that it was more important to go ahead with implementing some of the items that would flow from a declaration of bilingualism rather than attempting to secure a declaration first.

MR. STEVENSON: I think what I was wondering was whether or not the Sub-Committee thought it might be desirable to have at least a

a goal established as to where the substantive changes are leading.

PROF. FOX: I don't know, I can only speak for myself. As I recall, we did not spend very much time considering this, did we, Father Matte?

REV. DR. MATTE: I don't think so.

PROF. FOX: I imagine that members felt as I did that we were really moving in the right direction or the direction we desired, and that a declaration was not really that important.

DR. FORSEY: I think there is also the possibility that this is like this business of sending English-speaking civil servants to Quebec City for an immersion course when they don't know how to swim: you have got to have a certain level before you can effectively immerse them.

It seems to me that it is arguable that you need to get a variety of concrete things done before you get the objective conditions in which a declaration, a formal declaration of principle like this, would be really effective.

PROF. FOX: I would add that in my own mind - and I don't know whether this doubt is shared by the other members of the Committee since we did not discuss it - in my own mind politically it would not be feasible to make this declaration at this point; that you would only endanger the results of the game by declaring something of that sort at the beginning of the game.

DR. FORSEY: I suspect that is one of the factors in the Premier's mind. I also strongly suspect that his idea of what is politically feasible is at least as good as that of any member of the Committee.

MR. STEVENSON: Certainly I think I would agree very much with that. It is just that as a number of individual applications of bilingualism in Ontario are pursued, a lot of people are beginning to ask: "Where is all this leading? What is the Government's eventual intent?" If we knew that we were heading towards an officially bilingual province, then we would know a little better how we should act in a particular field.

DR. FORSEY: Yes, and you might well run into a lot more opposition, especially as it is a question probably given to a considerable degree to people in or past the middle years, and as time goes on these people will disappear and people of rather greater open-mindedness, let us hope, will take their place.

PROF. MEISEL: Actually then the wise course here would be to leave it; put it on the agenda for about a year from now, two years from now, when some of these substantive things have been, not implemented but launched. Then one can return to them and say: "Now we have done this, and now we should start thinking about what needs to be done to reach the goal of this" and specify.

DR. FORSEY: Another factor that comes in there is that by that time when certain of these things have been got under way, some people who have exaggerated fears may say "This is not too bad. I am not actually being told I cannot speak English to my wife; I am not being told this, that and the other things. If this is all it means, it is not worrying me. I can still go up to the offices at Queen's Park and ask for something in English, and nobody is stopping me". I suspect there are some quite irrational and exaggerated fears in some peoples' minds, and a little experience of the concrete effects of this may help to dispel some of these.

PROF. FOX: That is a good point.

DR. FORSEY: You can go a lot too cautiously, of course, but it seems to me that the Government is seriously proceeding with a lot of concrete measures and, that being so, the Committee's recommendation seems to me to be a reasonable one.

PROF. FOX: Would you like to move on? I was going to say I think perhaps the first point that you might want to discuss is on page 3, where we make the suggestion that there might be a speaker's bureau to discuss the substance of the Report and matters that are attendant thereto. I think, John, this was your proposal, as I recall. You might want to add something to that.

PROF. MEISEL: Well, I don't remember now. I think I have suggested this somewhere else, but I

certainly have been aware for a long time, as I am sure everyone else has, that this is a field in which there is still required a good deal of public discussion and informed discussion; and that while this Committee cannot do very much itself, that there is one group particularly interested and particularly capable of making its views felt, and that is the French-speaking members of the Legislative Assembly, and we would do all to encourage them if they can organize themselves a little bit, do some work on their own colleagues in the Legislature, and also be available for public statements to interested groups.

Now they may be fully aware of this need; they may not be. I don't think I need to add anything more to that.

DR. FORSEY: I was very much impressed by the report that we got of a speech by Mr. Guindon, the Member for Cornwall or thereabouts, some little time ago. Everything I have seen or heard of his statements struck me as being sensible and highly useful. I have never met him. Possibly he is not a first-class orator or anything of that sort, but if he speaks as well as he writes I should think he might do a very useful job here. I do know his brother is an able and well-informed sociologist and has worked with the M.L.A., I think.

I don't know whether the other Franco-Ontarians liaise at all. Some of the might be very

good and some not so good, but it sounds like a useful idea if they are up to it. How are they, Roger?

MR. SEGUIN: Guindon is probably the best.

DR. FORSEY: He has a pretty good head.

MR. SEGUIN: Oh, yes.

PROF. MEISEL: How does one do this?

Does the Premier -----

THE CHAIRMAN: I think you would have to go that route, yes.

PROF. FOX: I thought it was rather a valuable idea. I didn't suggest it so I could not comment on that. It is one of those fairly simple ideas that one might overlook but that Mr. Robarts might like having proposed to him as an idea.

If there is nothing further you want to add there -----

DR. FORSEY: I think also the last sentence is very valuable. I suspect the need for a great deal of public enlightenment on this. I could do with a bit of enlightenment on it myself, and I suppose I am far from being the least ignorant of the Ontario public.

PROF. FOX: Your point is about the rights of the English-speaking minority in Quebec?

DR. FORSEY: Yes, we have had some specific information on that here, and even that perhaps might be supplemented, and certainly what we have had might well receive wider distribution, I should imagine.

PROF. FOX: I don't think there is much else on 3, unless you have something to comment on.

Page 4 re Recommendation 8 is, I think, an interesting one, because you remember we did discuss that problem; we spent some time trying to think through this problem, and we noted the difficulties that arose in attempting to have instant bilingualism at all times in the Legislature, and this was really a compromise which we thought would be feasible. I suppose we were being pretty limited here in our view, but I think the Committee felt that it would be wise to make a realistic suggestion here, and that with a bit of organization it would be possible to ensure the use of French in the Legislature and at the same time have English-speaking members understand immediately what the person was saying by making interpretation available.

We recognize that it would be expensive to have interpreters standing by all the time, etc., so this was our compromise. Is there anything anyone wants to raise in that connection?

MR. STEVENSON: Did you discuss the formal procedure regarding question period? I think you had before you the Speaker's ruling on how he interpreted the current situation, before any discussion of the resolution on the use of French in the Legislature.

PROF. FOX: It might be useful, Don, if you could remind us of that, because it has escaped me now what it was.

MR. STEVENSON: He said that if a Member wished to ask a question in French, he would have to submit it to the Speaker according to the regular procedure for submitting questions, together with an English translation, and that the reply would be given probably in the same manner.

When I explained this to somebody from the Quebec Government he said: "Ah, that is exactly the procedure that they follow in the United Nations for an unofficial language outside of the five official ones, and surely that isn't anything."

PROF. FOX: Did you ask him where the English version of the Quebec Hansard was? That is the procedure they follow at the U.N., but isn't it for an unofficial language? You don't print an official version. I don't know, do members feel that it is unreasonable? Why did the Speaker make this ruling? Because he wanted personally the English version, or he didn't know what the question was about, or what?

MR. STEVENSON: Partly I think, but partly because there had been no discussion of a resolution and what he was attempting to do was to put down specifically his interpretation of what the current situation or past situation would entail.

The other thing, of course, was that he did not want to have a situation arising where a fair proportion of the Legislature would not understand an exchange going on.

DR. FORSEY: After all, the likelihood is that in most cases the Speaker of the Ontario Legislature will for some long time to come be, shall we say, imperfectly acquainted with the French language, and if he is going to rule on points of Parliamentary procedure he would be very ill-advised to do it on the basis of something which he only half understood or did not understand at all. Parliamentary procedure is not altogether a simple matter in my judgment in any event.

As time goes on and you get, let us hope, a much better teaching of French in the ordinary school system to English-speaking people, and perhaps you have more interpreters and translation services available and more use is made of French, this situation may change, but I must say I feel a certain amount of sympathy with the unfortunate Speaker. If I were Speaker - and I suspect I know more French by a long shot than most Speakers of the Ontario Legislature ever had or will for some time - I would be very leery of giving a ruling on a question phrased in French. I would chance it myself, yes, but I suspect that Mr. Cass, whoever is Speaker now, would not be in as good a position as I am to do it.

MR. STEVENSON: The question comes up, if the resolution which Mr. Robarts sponsored, which would give the two official languages of Canada equal standing in the Legislature, is passed (which one expects it will be) does this not imply something

different from that procedure with regard to questions?

PROF. FOX: I think it does.

DR. FORSEY: It probably does, but it would also imply, I should imagine, providing the Speaker, probably bilingual, with some kind of facilities to enable him to cope with the thing, so that he can say "Just a minute -----"

MR. GREATED: Nice looking, French-speaking girl maybe.

DR. FORSEY: I think this is one of the things that ought to be discussed on the resolution: How are you going to give effect to it? You do not want an empty declaration of principle. What are you going to provide? The answer might be that all we can do at present is the plan suggested here; or the answer might be: "This is what we will do for the next six months or so. After that we expect to have such and such services available."

PROF. FOX: I think we should recognize the difficulties involved here and also the expense, and in particular if French were not used that much. I think your point about the resolution does raise a major consideration, and that is: How are you going to implement it?

It may be that you want this task force or some other task force to consider some of these problems in detail. We, as you can see, got out of it merely by saying the civil service task force ought to consider some of these problems.

Perhaps we should have added a legislative task force.

MR. GREATED: Yes, it is considering this point.

PROF. FOX: It is. Do you feel there is need for further consideration here?

PROF. BRADY: Isn't that sufficient?

MR. GREATED: I think any suggestion from the Committee would be very valuable.

THE CHAIRMAN: But I think they will deal with the substance of it nevertheless, civil service task force, legislative one.

PROF. FOX: I think we would be happy to meet, if you asked us to, and spend half a day on two or three of these problems, talking about them, but we were not prepared at this point to try to think through to a conclusion in fine detail.

PROF. MEISEL: Can I just add something?

PROF. FOX: Yes.

PROF. MEISEL: It seems to me, if I remember our discussion correctly, we thought that the Prime Minister and the Leaders of the other parties should get together and look at this; that they were in a much better position to do anything than we were; and that we hoped to be fortunate in having three people whose intentions are probably very good - certainly from the N.D.P. and the Prime Minister, and I suspect Nixon in that kind of group would also be excellent.

So we thought that they are the people who

really could work this out in a much more effective way than we could. If they fail, we have the second part where we make some suggestions. The idea we had was that the House, until there is a large enough number of interpreters available, would have to simply limit the periods in which the two languages might be used, and it could perhaps be to cover the question period every day. That would have to be determined, but at the moment it would be highly Utopian to expect the House to be able to manoeuvre in both languages all the time; and that there again there was no point recommending that this be done if there were not people to ensure that it can be done.

MR. STEVENSON: Interpreters, if you don't have simultaneous translation facilities in there, would be then to repeat after the Speaker?

PROF. MEISEL: I would think so.

PROF. FOX: We did not consider that because we did not know - at least, the thought crossed my mind and I did not pursue it because I did not know what the Government's feeling was about simultaneous translation. Has this even been thought of?

MR. STEVENSON: If you had simultaneous translation you wouldn't need any of the people -- then you could have it presumably most of the time.

DR. FORSEY: I think the question of putting in simultaneous translation is something

your all-party committee would have to consider. I doubt very much whether a recommendation of a body like this would carry much weight in this matter. It is a question pretty largely of expense and the availability of people to man the thing morning, noon and night.

If we had reason to think that the Government were trying to slide out of any obligations, you might say we do it and "Don't try any funny work or anything of that sort"; but it seems to me that these recommendations here are practical and reasonable. If the Premier says "I don't want an all-party committee", then I think he will have to say "Set somebody to work studying it", two task forces or some other body, but there are going to be real problems to making this thing work effectively in the immediate future which a generation hence probably will have disappeared (I don't know), but I doubt very much whether a recommendation by us for simultaneous translation facilities to be operated all the time would be regarded as of very great weight.

PROF. MEISEL: This is one of the problems I think we haven't really looked at. Under conditions of inadequate supply of translators, you have to make decisions as to where they are needed most, and there are places where the need for them is much greater than here.

So I would think that this again could be

set up as a goal for the future if we deemed it desirable, not for the immediate future.

DR. FORSEY: If you had a large group of Franco-Ontarian members of the Legislature who had great difficulty expressing themselves in English, there again you would have a different proposition, it seems to me; but there are not, I think, very many of them now, and I feel tolerably certain that all of them can express themselves very effectively in English, so that I do not think really this is causing serious, concrete, practical injustices to the Franco-Ontarian members of the Legislature. Provided you have got some kind of reason to believe that the thing will go forward in good faith, why, I should think that the suggestions here are useful and sensible.

MR. STEVENSON: I think the fact that fifty members of the Legislature are taking French courses every day would imply that they might want to use it at some point. Whether or not this will get them to any degree of proficiency at all is another question.

PROF. MEISEL: I was thinking earlier, if we did get simultaneous translation, and the ones who are having their immersion courses wanted to practise, they could listen to everything in French and in fact conduct the whole business in French and civil servants could be piped in.

DR. FORSEY: I suspect this is something that

is not going to happen tomorrow. If these chaps are taking courses, that is very nice and I wish them every success, but I suspect it will be a little while before they are going to be even in a state of, what was it called, receptive bilingualism.

THE CHAIRMAN: Shall we move on?

PROF. FOX: I do not think there is anything else on 4 really. We come on the top of 5 to the problem of bilingualism in the judiciary, and we recognized that this was a very difficult problem to solve. We make one statement that you might want to study, and that is that we felt that initially at any rate it was more important to have bilingualism on the Bench than in the statute books. In other words, we think it is more important that the judges be capable of hearing cases in two languages than that we have the statute books translated and available in French as well as in English, and we recognize that this will cost something. We believe it is a proper goal to aim at.

We thought maybe you could develop traveling banks of bilingual judiciary to hear cases. I don't know, I presume this is the sort of thing you will be working at in one of your task forces.

Is there anything there, or shall we pass on? Recommendation 10 in the B. and B. Report deals with the right of parents to have their children educated in either of the two languages. We drew to the attention of the members that it was

a two-sided business. It is necessary to make sure that French language instruction be available for English-speaking students whose parents want them to study the language; but on the other hand we did not want to see the French-speaking school system infiltrated by so many English-speaking students that the continuation of the language would be jeopardised, and I gather that is already a problem that has arisen in the Legislature.

Mr. Apps, was it not, who wanted to put them all in one school?

THE CHAIRMAN: Yes, that was quite a considerable point that he raised.

PROF. FOX: I think we are on the right ground there myself. I think there is a danger. Roger and Father Matte can say more about this. My guess would be it would be dangerous to have a large number of students whose mother tongue is English in the same classroom with students whose mother tongue is French, for fear that during play periods, etc. the language would never ----

REV. DR. MATTE: I think this problem is taken care of by the new legislation. When the principal realises that some students are delaying other ones, he has authority to refuse them, under the new Bill.

MR. SEGUIN: Not in kindergarten; they take them in kindergarten, and if they do well there they can start. But they certainly won't take them

in the high grades, start them in that age from nothing.

In kindergarten in Ottawa, for example, we have some schools where one-third are English-speaking and they start them on French and they continue.

PROF. FOX: What is the play language where you get them mixed?

MR. SEGUIN: Whether there is one French or twenty French or ten English, most of the time it is football and baseball, and there is no such thing as French baseball in Ontario. There is on Radio Canada if you listen to the baseball game from Montreal, but Ontario -----

PROF. FOX: Do you think this is any problem in the new secondary schools, that if you had even a few students whose mother tongue was English they would tend to -----

MR. SEGUIN: If they had gone to the English public schools, they cannot get in the secondary schools, I can tell you that; they would not have a chance.

PROF. FOX: But if you had some who were --

MR. SEGUIN: From the elementary school?

PROF. FOX: Yes.

MR. SEGUIN: They will continue. We have some all over Ottawa, you know, in our French separate school system.

PROF. FOX: But does this dilute the use of French because with the few English kids they tend to speak English to and from school?

MR. SEGUIN: Certain people will say that, but I don't think so.

PROF. FOX: You don't?

MR. SEGUIN: I have been in schools where there aren't any, and in the yard I think they speak - whatever game they are playing they speak French or English or whatever it is.

REV. DR. MATTE: You mean they play in English?

MR. SEGUIN: That is it.

REV. DR. MATTE: But if they do so I don't see so much trouble there.

PROF. FOX: If there is nothing else there, Mr. Chairman, we noted that Ontario has actually gone beyond some of the suggestions in the B. & B. Report, in that we have two bilingual universities.

The next point that we really felt was quite important was that there should be some French-speaking colleges of applied arts and technology in the Province. I don't know what the plans are on that score.

MR. SEGUIN: The Algonquin College in Ottawa is supposed to be bilingual, but they have had a hard time getting teachers and pupils. However, it is gradually developing. They have an assistant director now, they found one and they are gradually getting there, but it takes a number of years. In the other areas I don't know anything.

DR. FORSEY: What perhaps might be well to

note is the extent of this beginning in Ottawa, as an indication of the Government's good intention.

MR. SEGUIN: They are doing their best to get French-speaking pupils to go and to get French-speaking teachers, because there are some French-speaking members of the board there.

PROF. FOX: All right, thank you. Eugene has already improved the wording in the last paragraph. I don't think there is anything more on that page.

DR. FORSEY: Excuse me. Is a task force working on a thing such as publishing the journals or records in both languages? Are there any serious problems there? I should have thought there might be in the matter of finding competent translators.

MR. GREATHEDE: I may just answer your question, Dr. Forsey, and say that the legislative and provincial statutes task force has been looking at this question. There are many problems, but I do not think they are insuperable.

DR. FORSEY: I am afraid, by the way, that in some instances the results initially may be rather disappointing; some of the translations may not be all they might be.

MR. SEGUIN: They aren't bad; they are better than they were.

DR. FORSEY: I noticed from the English version of the Quebec journals of the Legislative Assembly, the English in spots is a little bit

unusual, but this is something I think that our French-speaking fellow citizens will not be too exacting about sometimes, because ----

MR. SEGUIN: They are usually Frenchmen; don't find many English to French.

DR. FORSEY: But you do get some funny things turned out in translations, and I know sometimes it makes people very angry, but I think we are all going to be a little bit patient about this, whether it is English to French or the other way about, because we may have some very crumpled examples for a while.

PROF. FOX: Page 6, the paragraph about provision of facilities for the training of professional translators and interpreters, I was interested in what Mr. Omand said this morning, that it would seem to discount any great need for recommendation here from us. You recall this morning he said there were sufficient translators and interpreters for the present level.

MR. SEGUIN: They are employing here part-time firms, and they should get more people on staff and better. It is better than it was, but there is still quite a bit lacking, I can tell you that. They use professional firms who are used to translating Simpsons' and Eatons' catalogue, and it shows.

On this thing here, University of Ottawa has been trying to get from the University Affairs Department a school for this purpose in Ottawa.

I don't know when we will get it, but they say we might get it, and this could push it; because that is where it should be in Ontario, I think, in Ottawa.

PROF. FOX: Anything further on that?

DR. FORSEY: Just in passing, I thought Mr. Omand was fairly careful in his qualifications this morning in what he said.

PROF. FOX: Yes.

DR. FORSEY: And I take it that while the thing might be for the present demand reasonably satisfactory, there could quite easily be a great increase in demand which would require a large ----

MR. SEGUIN: We don't write in French because we know that it takes half a month to get our letter translated, and then another half month to get it back, so we write in English. I didn't want to say too much this morning about that, but the facts are not exactly there.

If we started to write in French - for example, if all French-speaking lawyers wrote to the Succession Duties Department in French, you can imagine the hold-up there, and the same thing with the Companies Branch if we started to write in French.

Now, the next thing, while I am on this subject ---

DR. FORSEY: Takes long enough, I suppose.

MR. SEGUIN: He mentioned the fact that they were sending an awful lot of civil servants to school, but what effort has been made with regard to the French-speaking personnel in Ontario?

MR. GREATHEDE: I might say in response to that, Mr. Seguin, that we have from here emphasized this time and time again as being a much more expedient and much more efficient way of bilingualizing/civil service, if I can use that expression - the recruitment process - than language training. I think it is a point that is getting across.

PROF. BRADY: It is better but it may take longer to get results.

MR. SEGUIN: Oh, yes.

DR. FORSEY: You have got to do some of the other too, unless you are willing to wait for something like a new generation of civil servants to come along; if you want to get some results now you will have to try and get some of these old busters in more or less senior positions to learn a bit of French so that they can make a stab at it, especially if they get the help of French-speaking new colleagues. But you can't take a man and say "You start off as Deputy Minister".

MR. SEGUIN: No, you have to start them at the bottom..

MR. BEER: I think in fairness to Mr. Omand, earlier we went into that particular aspect a little more fully when we were talking about French language instruction for English-speaking civil servants, and he quite realizes it is an essential aspect of any kind of policy to increase the use of French in the civil service that it will necessitate hiring people who are already

bilingual, and therefore hiring an awful lot of people who are of French mother tongue, and that this is one of the aspects that is being developed. So I think he is aware of that need.

THE CHAIRMAN: All right.

PROF. FOX: Then I think the only other point perhaps that emerges is in reference to Recommendation 14 in the middle of the page. You recall that the B. & B. Report in that section recommends that the legislature of each officially bilingual province adopt an Official Languages Act.

I suppose we could get out of it by saying Ontario is not officially bilingual, but we thought it might be wise to consider this in greater detail. It involves a number of points such as those that Mr. Hodgson was referring to this morning that will be contained in the federal Languages Act. These are summed up in the B. & B. Report in paragraphs 429 to 448.

It is a fairly complex problem, and we thought we would ask John Meisel to draft something that we could consider later.

PROF. MEISEL: May I say something about that, Mr. Chairman. I was reminded of this part of our discussion two or three days ago. I must admit that it had completely escaped my mind after the meeting, and I just forgot about it. I saw Paul the other day and he mentioned it to me, and of course I have not had time to do anything since.

I spoke very, very briefly this morning

to Mr. Hodgson, and he thought that in about a month they would have some memos that would arise from their experience with this, and that I could have a look at these and see what they have run into.

I think this is a matter that perhaps I ought to try and get down to in the course of the summer, and I don't think it is a major job. I don't propose to draft the Bill, but simply to indicate what kinds of things might be covered, and at some future date we would look at that. I am afraid I have been negligent, forgetful and slothful.

PROF. FOX: Before you condemn yourself too seriously, let me say it is partly our fault because we didn't get this report out sooner. It might be the sort of thing we could consider any drafting from you at a future meeting of the B. & B. task force, and go over in detail and make a further report to the full Committee.

I think that is all the matters of substance that I can see, Mr. Chairman.

THE CHAIRMAN: With respect to the disposition of this report - two questions. First of all, do you want this report to go forward now to the Prime Minister and, if so, do you want it to have the support of this Committee?

The second point is, the alternative, I suppose, is: Do you wish to wait for a final report? I gather you are really seeking this to go forward as an interim report.

PROF. FOX: I think that is what was in our minds, wasn't it?

PROF. MEISEL: I think this does not mean on some of these things some action might not be initiated now.

THE CHAIRMAN: Quite. I think it should go forward, because it is such a big area that it is easier and more effective in this kind of situation to make progress along the way rather than to think you are going to do a more comprehensive job at one time.

Would you like some expression of support from the whole Committee on this? Would it be appropriate to ask for this?

DR. FORSEY: The only question arising in my mind is whether in view of what the Premier said, and the remark about agreeing in principle to sub-sections 3, 4 and 5 of Recommendation 12 - and this is taking this somewhat out of turn - sub-section 1 says "The provisions of sub-section 2 shall apply", and it clearly involves, I should think, making French an official language of Ontario, which for the moment at least the Premier says he is not prepared to do - or am I mistaken in that? So I wondered perhaps whether, again, we were going to fly in the face of -----

THE CHAIRMAN: Of announced policy?

DR. FORSEY: However, it is only advice.

... can then say: "The rest of it is all right but ..."

THE CHAIRMAN: How do you feel, Paul, about this?

PROF. FOX: I think we should let it stand

as it is and go forward as advice. We have recognized his difficulties, and we have said elsewhere in the report that we do not endorse the idea of declaring Ontario officially bilingual at the moment; but this involves here a longer run goal that can come into play when Ontario is declared officially bilingual, so I would be inclined, even though it may seem premature, to let it go forward as it is.

DR. FORSEY: It says "... subsection 2 shall apply to any additional province." We are merely saying that perhaps once Ontario has done it ---

THE CHAIRMAN: Can I ask for the general endorsement, if I may put it that way, of this Committee of this report as an interim report I will put forward? Thank you very much.

As far as the other task forces are concerned, other sub-committees, they are largely perhaps in the incipient or pre-incipient stages of work. I don't know whether formal reports are necessary or available to-day. Two chairmen are here, Professor Brady and Mr. Perry. I don't know whether they would wish to make any remarks on any of the other matters.

MR. PERRY: I must say you are not sounding very encouraging on this one.

THE CHAIRMAN: I didn't want to give you a build-up that you might not feel inclined to fulfill.

MR. PERRY: I am easy.

PROF. BRADY: I don't think, Mr. Chairman, that the committee on distribution of powers is in a position to make a report at the present time. It had a very preliminary canter over some general aspects of the theme, but it really has not come to grips with the detailed problems involved.

Now, why it did not meet in the interval, first it was thought desirable to find out just about what was expected. It was not very clear at the time that we met. We now know a little more clearly, I think, because the Committee of Officials, provinces and federal government, attended these meetings, and we know roughly what our schedule of work should be and that something should be done.

I think the problem becomes the practical one: When is it going to be done? Obviously, if it is going to be useful, presumably it should be done this summer.

THE CHAIRMAN: Well, that is right, I think: I think it has to be done this summer.

PROF. FOX: I wonder, Mr. Chairman, if it would be useful to have any indication from members present to-day of their availability during the summer, so that we can see whether we have got any resources to go on with some of these studies? I have the feeling certainly that we ought to get on with the study of some of these things.

THE CHAIRMAN: I think we must.

PROF. FOX: I think it would be unfortunate

if we had to say "Let's now go our way and we see each other in November."

THE CHAIRMAN: As I mentioned earlier, the committee of officials on the constitution is going to meet in July and September, and our work will be following right along.

DR. FORSEY: Have you any idea what things in this field the Government of Ontario is thinking of taking up first? If so, it seems we had better try and get somebody doing something on these immediately. Then if there are other things that are not likely to come up until September people can be doing something on those, let us say, in August or later in July.

THE CHAIRMAN: I don't know what your impression would be, Don. I have certainly taken the view all along that the distribution of powers is so basic -----

MR. STEVENSON: Well, the July meeting is going to be concerned primarily with discussion of propositions relating to the objectives and goals and general framework of the future form of Canadian federalism, and then I would imagine that one probably goes into the distribution of powers as the next one, although it could be that several subjects would be dealt with simultaneously from that point on.

The other ones, of course, would include the institutions, inter-regional disparities.

DR. FORSEY: I was thinking simply of this

as the distribution of powers. Is there any indication of what at least the Government of Ontario would want to take up first there? If so, it seems to me that is the first thing it has to concentrate on, simply within distribution of powers. Is the Government of Ontario saying: "For us section so and so is top priority"?

PROF. BRADY: Is there a task force on this?

MR. STEVENSON Not yet, but I think the first thing on it would be development of propositions relating to the distribution of powers, covering the gamut - what principles should be applied.

PROF. BRADY: By "propositions" you mean measures, points that should be examined, opinions as to what ought to be done?

MR. STEVENSON: Opinions as to, first, the principles that should be followed in delineating a distribution of powers - and what was the formal definition? It was a little more than just principles.

MR. GREATHEDE: It was principle and general concept, was the term, that governments should keep in mind when considering the constitution.

MR. STEVENSON: And the idea was that one would go from the more general to the more specific right through the seven areas, and with the distribution of powers then one would start from general concepts, or perhaps in the form of a sentence or two, to be followed by a page or so of justification and one doesn't know how many but I

know the federal government was talking about developing several hundred propositions.

DR. FORSEY: Specific propositions about distribution or general goals?

MR. STEVENSON: No starting with the general.

DR. FORSEY: Several hundred propositions about goals?

PROF. MEISEL: What sorts of things do they have in mind, "Sin is bad", starting that way?

PROF. FOX: You could begin, I suppose, by having a proposition for each section in the B.N.A. Act. There are 147 right there.

MR. STEVENSON: As I say, two hundred just on general objectives. This was a statement of principle they were now working on, in which there were several different areas.

DR. FORSEY: They must surely be getting some specifics in it. It seems to me beyond the power of human mind to produce several hundred propositions on the general goals of a federal system. You get dashed un-general before you finish.

MR. STEVENSON: They only gave us about three examples of the kinds of propositions they were thinking of, and these all related to the area of linguistics, and they had a remarkably close resemblance to the first few recommendations in the B. & B. Report.

PROF. MEISEL: I think before we can discuss all this very fruitfully, we really ought

to come back to the points that were mentioned this morning, and also that is further on the agenda, namely the business of the planning of future meetings.

THE CHAIRMAN: Yes.

PROF. MEISEL: And what you really expect of the Committee. It seems to me when we started there was no bureaucracy and a great deal of work had to be done by members of the Committee or under the supervision of members of the Committee. Now we have a very able staff and it seems to me that perhaps the duties of the Committee have changed quite drastically and that we ought to adapt to this; that we ought to throw out perhaps ideas and then perhaps be a listening post. ---

THE CHAIRMAN: Yes.

PROF. MEISEL: --- that can criticize, but that the bulk of the talking and putting together need not be done by this Committee and should not be done by this Committee.

THE CHAIRMAN: First of all, as a point of clarification on the propositions, let me say that we expressed some doubts about this approach but, on the other hand, we recognized that one had to suggest something by way of approaching the problem. This is why we advocated that rather than taking a swing at propositions across the whole piece, that we have a trial run at putting out propositions on the question of the objectives of the federal system, and see what kind of results this induced in terms of methodology. Then we

may find that there is some other and better and more systematic way of approaching it.

On the second point that you raised, I agree that I think the most useful role that I see for the Advisory Committee, given the fact that everyone on the Advisory Committee has a number of other activities to perform, is to be (to use that unfortunate term) a brains trust, to provide us with ideas and to assist us by commenting on our ideas and on our work; but on the other hand I do not want to preclude anyone or all from making a substantive contribution in terms of research or more direct activity.

PROF. FOX: There is one point that strikes me that is probably very obvious but maybe relevant which I mention here, and that is that it is quite likely that in most of the provinces the thinking on any possible revision of the constitution and re-shaping of federalism has not progressed nearly as far as it has, say, in Ontario and Quebec; and therefore that what appeared to us to be rather a repetitive exercise of going back and talking about a lot of these things, is a necessary exercise to bring up some of the representatives of the other provinces to the level of thought or the progress of thought that you people have reached as the result of your thinking about these problems for a considerable time.

So that it may seem like "old hat" to us, what you are proposing to be discussed in July,

but it may be very new to some of the people.

THE CHAIRMAN: You are right.

PROF. FOX: From some of the other provinces.

THE CHAIRMAN: Well, also I did make the point more than once at the first meeting of the Committee of Officials about just how very difficult this process was that we were engaged upon. I pointed out that we in this Committee had been studying steadily and discussing and considering the question of Canadian federalism seriously for three years, and I thought we had some appreciation, therefore, of just what a complex and difficult task this was; that it was not a thing in which you just plucked straws out of the air and put together a new construction, but that it was something that demanded perhaps almost having some idea where you wanted to end up before you started out on the road and then you made your way systematically.

Then, remember, of course, as well that on top of all this there is the political constraint. I don't know how far the federal officials are going to be inclined to pursue the question of distribution of powers. This depends on how hard a line the Government of the day in the federal sphere is going to take to this; on the other side, how far Quebec is going to think that circumstances will permit certain positions to be staked out as absolutes.

It is a little difficult to judge on this ground, but if I may put it this way, both at the

political level and civil service level I think the two things we must have absolute assurance of is, first of all, that we are fortified to make as constructive a contribution as we can, at best, and fortified to commit no howlers. This is the kind of support and back-up we need from this Committee.

Now, the preamble to ensuring that and getting us that kind of support is really the question we want to ask here. How do we make this Committee work most effectively to those two goals?

PROF. FOX: It seems to me that during the summer it may mean your canvassing who is available at a specific time that we want to get some reaction from the Committee on some propositions or ideas you have developed, and it may be simply an ad hoc meeting of the members who are available one day and without worrying about the structure of task forces.

THE CHAIRMAN: It could be following that - I think, to be specific, we may, for example, say: "Here are some propositions we have worked out." We then get you together and say, as I said, the two things: Are we committing any great errors here or, alternatively, can you work us up into something better; can you work us into something different?

I think it is only by joining discussion on the particular thing that we are going to get generalities. anywhere. It is very hard to discuss this in/

DR. FORSEY: It seems to me, Mr. Chairman, that this is a matter of such importance and urgency that all of us should be willing to put ourselves to a certain amount of inconvenience, and unless there were some overbearing reason why we shouldn't, pretty well any time you need us. Give us as much notice as you can and we will interrupt our holidays or whatever it is and turn up.

THE CHAIRMAN: Get as many as we can.

DR. FORSEY: The other thing is if you could manage to let us have anything you want our comments on at least a couple of days in advance, it would be very helpful. I know this is often terribly difficult, but on the other hand it is very difficult to be presented with some complex thing, especially if it is new to one, and say: "What do you think of this? You have had it now thirty seconds. Have you got any observations?" Certainly unless your mind is better stocked than mine and works much faster than mine, you are not going to be able to make as good a contribution as you might unless you have a little bit of time. I am not talking about a lot, but even a couple of days. If you are going to call us to meet on Friday, if we could have it on Wednesday and have a look at it on the train.

THE CHAIRMAN: I know. As I mentioned, we began this exercise by looking at some general questions of objectives. I wonder if we might do

two things: get your individual advice in the next couple of weeks on some things that we are considering or might have doubts about; and at the same time ask you to comment and extend on these matters your own opinions? Can you be a little more specific for me, Ed, in terms of what we are faced with immediately?

MR. GREATHEDE: What we are faced with immediately is the meeting in the fourth week of July in which the propositions on objectives will be discussed; and, more significantly, I suppose, we have been requested - all governments have been requested - to submit any propositions they might have by early July, so that the secretariat can distribute these to the various members of the Continuing Committee, and so that they can have a chance to examine and think about these before the meeting in the fourth week of July.

I think this involves a very critical path in the sense that we have not only to have some propositions in some shape by early July, but presumably at least the Prime Minister will have to look at these before they are submitted: although the emphasis, I think, in the Continuing Committee (I think I am correct in saying this, Mr. Chairman) was that these propositions which are going to be set out and so on need not necessarily be considered as formal government proposals, although I suppose in the nature of things they will be treated that way by a number of individuals.

DR. FORSEY: I have jotted down ten headings here of things that I think might be considered in a statement of objectives and principles.

MR. GREATHED: I think that is the sort of thing, Dr. Forsey, would be very much appreciated. I think, as the Chairman has said, that if any member of the Committee in the next two days ----

MR. STEVENSON: Two hours!

MR. GREATHED: Two hours! If any member of the Committee here has any suggestions on this one topic of objectives, which I think we have agreed to concentrate on for the July meeting, and wishes to forward these to any of us, we would be very glad to have them and think them over, in an attempt to come up with at least a modest but effective set of propositions which we can then submit to Mr. Robarts and in turn submit to the Secretariat for distribution among the member-governments.

DR. FORSEY: I would be prepared to think we can do a document in the next couple of days, showing in about a couple of dozen sentences perhaps.

THE CHAIRMAN: This would be helpful.

DR. FORSEY: I can't reach your kind of terrain.

THE CHAIRMAN: Frankly I don't think we will get into any great depth before the July meeting. Then out of the July meeting I think one will begin to get a feeling of the range of

consideration that the governments are working within, and then this in turn would give something further to comment on and work from. My own feeling is a bigger step will be taken between the July and September meeting than before July.

MR. GREATEHD: Charles has just reminded me, Mr. Chairman, that the Official Languages chairman, as Mr. Hodgson mentioned this morning, is going to be meeting on at least one occasion before the July 24th-26th meeting and, I think, they hope on two occasions. So that if members, in addition to any comments on propositions on objectives, have any thoughts about official languages, I think that would be appreciated too.

I wonder, Mr. Chairman, if I might just read the definition ---

THE CHAIRMAN: Quite.

MR. GREATEHD: Of what I think ---

THE CHAIRMAN: Of what a proposition is.

MR. GREATEHEAD: Yes, and of what everyone seems to understand at least at this stage:-

"Propositions are statements of general concepts or principles by which governments should be guided in the process of constitutional review or which should underly the provisions of the constitution."

So they are statements of general concepts or principles, and, as Mr. Stevenson said earlier, the distinction here or the suggested method was

that along with the bare proposition (if I may put it that way) there be a supporting page or so to justify the proposition advanced.

PROF. BRADY: Mr. Chairman, the secretariat is working on this?

THE CHAIRMAN: Yes. You mean -- yes.

PROF. BRADY: And will be in the next week or two?

THE CHAIRMAN: Yes.

PROF. BRADY: Well, I wonder, could they formulate something even tentatively and send it to us? Personally I work much better if I have something put before me.

PROF. FOX: Maybe that is their problem too. (Laughter)

MR. GREATED: Thank you, Paul.

DR. FORSEY: I think this is lèse-majesté on the secretariat!

PROF. FOX: I am sorry.

PROF. BRADY: It is a huge territory to sit down and formulate on. If you are working on this, send us your tentative conclusions, and then we can comment and elaborate, perhaps add to and what not.

DR. FORSEY: Perhaps make a mutual bombardment. I can't help thinking that out of your vast knowledge and experience, Alec, you could make some suggestions to the secretariat which they might find exceedingly stimulating, with all due

respect. I don't want to commit lèse-majesté against the secretariat either.

PROF. MEISEL: I am still not quite clear about what a proposition is, or what a bare proposition is, but we were here talking of this kind of thing that, you know, one of the things that ought to be aimed at is that the central government be given sufficient powers, or retain sufficient powers, to be able to control those things which have to be controlled in common; and that at the same time there should be sufficient diversity to permit regions, etc. to pursue their own ends. Now, editing this into decent language, is this what you mean by "proposition"?

MR. GREATEHD: I think this is as I understand, Mr. Chairman.

THE CHAIRMAN: Yes.

MR. STEVENSON: You have to get into a set of sub-propositions from that one.

PROF. MEISEL: It might be a good idea if we did this as a matter of fact.

MR. STEVENSON: We started at the top with "Canada should be a federal state".

MR. PERRY: It should be.

PROF. BRADY: In other words, you start off with some platitudes.

MR. STEVENSON: Right.

PROF. MEISEL: And you continue with some platitudes.

DR. FORSEY: If you are too general you become like the Anglican bishop whom I heard once exhorting his flock at the beginning of the new year: "Let us during the coming year all try to be good and help our neighbours". It is all right, yes, but first of all you have to get down to something a little more specific even in these bare propositions.

MR. GREATHEDE: On the other hand, Mr. Chairman, if I can just really re-emphasize what Professor Fox said earlier, I think it is very clear from the very great disparities in the resources that the provinces are able to bring to bear on the problems, that a number of what may seem to be singularly and patently obvious objectives may, when brought together and compared and so on and done by several governments, present a very interesting array of what people think are the objectives of confederation.

PROF. MEISEL: This is very true.

MR. GREATHEDE: I think we sensed down at Mont Gabriel in looking at the collection of ideas gathered there, that there might be some value in this exercise. I think similarly if we just all sat down and set out our propositions and laid them out and compared them, it might be very interesting to see the results.

While I realize that initially some of the propositions are going to look pretty elementary

to a group like this which has looked at these questions for so long and so intensively, I think we ought not to conclude there will be no value if all the governments set them out and we have some idea of what people think, what their perception of this country is.

DR. FORSEY: I think, on what Alec Brady material said about getting/from the secretariat as soon as possible and looking it over, we can do it. Meanwhile I don't think there is any harm in any of us who feel able and willing to do so, putting in our two-pennyworth in a fairly brief form. I am thinking of a sentence or two on each of a dozen propositions; and merely by way of stimulating the pure minds of the secretariat so that they say: "What ho, that wounds pretty silly, but now that one there has something in it" and "I bet the old blighter hasn't thought of such and such implication of it, but it is really an important one and at least he has set our minds working on something really important" and that is that. Then they send back a proposition and I say: "My word, I can see words of mine in there that may have had some use, but isn't this a majestic structure to raise it upon" and I am lost in admiration and delight.

THE CHAIRMAN: I think this approach would be pretty helpful to us. When one boldly starts setting out these propositions, it seems almost heretical but I think again one has to remember

the nature of the exercise we are engaged upon here. It is a joint enterprise, and along the way one is trying to sift out and work towards almost a common documentation and even to a common language of understanding on the situation.

I must say that my unwavering belief in the importance of these discussions beginning for some time has been based on the fact that when one sits down to it at the time it seems to be so terribly difficult that it would take us about twenty years, and during that time the country can get on with its business. I don't think it is going to be resolved very quickly.

PROF. BRADY: The country may solve the federal problem.

MR. STEVENSON: Certainly if you started with something like "Canada should be a federal state" you might develop some pretty contentious propositions defining what federalism meant. Does federalism mean that two levels of government are both sovereign in their own spheres; that one should not be, in a sense, superior to the other and able to disallow or reserve, or does it not? You might easily have something like that or second proposition following from this.

PROF. FOX: So you would like us to start this game - all of us to start from the same game on the snakes and ladders board, so that if we had a proposition "Canada is a federal state" it is fair enough.

THE CHAIRMAN: Sounds like a party game.

PROF. FOX: Sort of variation of wife-swapping - proposition-swapping!

THE CHAIRMAN: I think that is the task before us all right.

PROF. MEISEL: There is one other point I think that perhaps might be made, that later on when things are being drafted it might be useful to think of sending to members of the Advisory Committee - either all of them or some of them - even very elementary drafts, because it might save some time and trouble in the future.

THE CHAIRMAN: Yes.

PROF. MEISEL: If people can simply hand you in - and if you didn't hear from anyone by a few days you would assume he wasn't concerned or didn't care; but it would give us a chance to see where we are concerned to at least make our views felt.

THE CHAIRMAN: We can do that. One other point, at the risk of giving offence, that I should mention. I think there is a certain amount of confidentiality about this whole exercise insofar as we are, as it were, participating in the formulation of government policy, but I need not labour that. I would appreciate that view of it being taken insofar as the particular material we are dealing with is concerned. It is not going to inhibit anyone in any other way in the normal manner,

but I think things will get fairly delicate at some stage undoubtedly.

MR. PERRY: Shouldn't restrict us from entertaining any other propositions.

DR. FORSEY: I would like to emphasize one thing. I hope, in view of the necessity for being brisk about this, it won't be too learned a report; because I think at this stage what might be most useful to the secretariat would be to have fairly succinct statements.

THE CHAIRMAN: Yes.

DR. FORSEY: Of these objectives and principles; just as brief as possible and not something with sort of "Ph.D." and footnotes at the bottom.

THE CHAIRMAN: If for no other reason, the sheer management of paper will be a problem. After all, I think we know one another's minds reasonably well. We have had three years of discussion, and I think it is a matter of trying to hone/the issues and start developing them.

DR. FORSEY: The best thing, if you find it is getting a little out of hand, as when you have four and a half minutes on the radio, you prune and prune and you get it to several hundred words and you say "That's it".

THE CHAIRMAN: We have quite a paper-shredder downstairs.

PROF. FOX: Maybe our distribution of

propositions should be marked "confidential" for those members of our Committee who are not here to-day.

MR. GREATED: I thought we could send out a short covering note.

THE CHAIRMAN: As I say, I am sure you appreciate the sense in which I am making that point. I think it is a valid one.

Finally, if I may sum up and say -- I am sorry, Harvey, we were detoured from putting you on the stand.

MR. PERRY: You have hurt my feelings.

THE CHAIRMAN: If there is anything you want to refer to.

MR. PERRY: I think the Committee might be interested in hearing what has been going on with the national capital area. I am chairman of two task forces. This has been the more active one.

Last time you thought about this matter, I think, was last September, and you recall that we drafted a brief statement setting forth some principles which we felt should be followed. One of them was that the local twenty or so municipalities be formed into one regional government as an essential first step; that nothing be done until that take place. Whether under our influence or whether under intentions that had already been formed, this is the step that has been taken. The Legislature has already passed a piece of legislation which

sets up, what is it called, the Regional Municipality of Ottawa-Carleton, which is all in the right direction; but, concurrently with this, there was also a committee established in Ottawa - at least it met in Ottawa - composed of representatives of the federal, Ontario and Quebec Governments, under the chairmanship of Arnold Heaney, I believe it is. This committee met two or three times. It formulated a set of propositions to which the governments would subscribe in developing some sort of tripartite government for the region. This was issued as a public statement, and it was felt that considerable progress was being made towards certain objectives in the national capital area.

Now, this is where the matter goes underground a little bit, because the staff have been more closely involved than I have but about the time that this legislation I referred to first was being formulated the Ontario Government became less enthusiastic, shall we say, about having these people participate in this tripartite committee. At least one occasion a meeting had been scheduled and either postponed or called off largely at the insistence of the Ontario Government.

What appeared to have happened is that the Minister of Municipal Affairs here has been extremely anxious to have this Ottawa legislation adopted without ruffling any local feelings, and as a result of that not only postponed the discussions in this

three-level committee in Ottawa, but the kind of issues that would be involved between the three levels of government had not been touched on at all in the legislation: the two main ones being the extent of French language use as one, the second one being the sort of degree of co-operation - or let us put it this way, the ultimate authority for planning in the area. The kind of idea that was being developed on the tripartite committee was that all three levels of government would have some hand in certain aspects of the planning of the area. These were not mentioned; they are not indicated in any way in the statute; there is no commitment made in the discussions in the Legislature. In fact one would have thought that the national capital area as such had never existed as a question of national concern - if it were not for one short statement that the Prime Minister himself made in which he reminded the House of the statement that had been made earlier on in the meeting of the tripartite committee, and said that it was still the intention of the Ontario Government to pursue certain objectives in the Ottawa area because it was the national capital; that nothing in the Bill that was being passed was inconsistent with these objectives, and that in due course the Government would be returning to pursuit of these objectives.

Well, in the meantime the regional

government has been set up; a man has been put in charge of it, a Mr. Coolican, and apparently, among other things, this matter has become almost dormant in Ottawa in the federal government during the election campaign, but no doubt it will be returned to in the very near future.

However, at one point in our task force we were sufficiently concerned about the apparent complete indifference of the Department of Municipal Affairs to some of the public promises that had been made, that we drafted a short statement of concern which was sent on to the Prime Minister, with no results whatever.

That is where the matter stands to-day. My personal view is that there is rather a serious commitment that has been made, I believe by no less a person than the Prime Minister himself, to give special recognition to Ottawa because of its bilingual, bicultural status, and along with the fact that it is the national capital; and that up until now very little has been done to recognize this commitment.

I suppose we will have to accept the assurance that at the appropriate time something will be done, but at the moment there is, I would think, no firm conception within the provincial government of just how it will fit this new regional municipal government into the layer of jurisdiction superior to that. I think this is rather unfortunate

because I had hoped personally that the two developments could go along in parallel, each taking account of the other; but one has gone ahead and the other has come to a virtual standstill, and that is where we are to-day as I understand it.

MR. STEVENSON: May I add that the Quebec Government has also been anxious not to proceed too quickly this year, because it is in the same position with regard to the Dorion Report on the integrity of the territory of Quebec, a report which was presented to the Quebec Government with quite a long section in relation to the area of the national capital. It was presented, I believe, in February, and I think the Quebec Government is anxious not to get too much further along with the discussions on the tripartite body for the capital area until it has managed to come to somewhat firmer views on the Dorion Report.

THE CHAIRMAN: Well, Mr. Robarts has been very firm and very consistent in his political judgment along these few months that this Bill - I say as a matter of political judgment - this Bill on the regional government must be concluded and through first and settled way before one returns to this.

Now, with this in and with the election over, it is my intention to turn to him and take up this statement that was put in a few months ago to which Harvey referred, and try and get a

regeneration of interest in the questions here; but I know that, as I say, the matter of political judgment about not letting anything interfere with the passage of this Bill as a first step has been a very consistent point of view held by the Premier.

PROF. FOX: How are the people of Ottawa taking to the new form of government?

MR. SEGUIN: We are used to governments - one more, one less. The only thing, I have a suggestion for the Province of Ontario that they can win an awful lot of people just by changing the street signs in the City of Ottawa to international signs. and nobody wants to get anywhere else. That is about what it amounts to.

About secondary schools, the people of Quebec, I can tell you, are buying houses back in Ottawa already.

THE CHAIRMAN: These street signs are the only other tangible thing?

MR. SEGUIN: That is the only thing now that the people are complaining about - have international signs, a donation, of course, from the Government of Ontario because we are a poor city.

DR. FORSEY: What do you mean, traffic signs?

MR. SEGUIN: Yes.

DR. FORSEY: What about street names?

MR. SEGUIN: Street names you cannot change. There is no reason for it anyway. It

is not Champlain City; it is not Paris either, so there is no reason for that.

MR. GREATHED: I think with respect to the highways it was Mr. MacNab, our Deputy Minister of Highways was saying several months ago that as the present signs are worn out or being destroyed and so on, that the policy is to replace them with international.

MR. SEGUIN: I know that is being gradually done in Ontario, but Ottawa should be done in one short term.

THE CHAIRMAN: Perhaps you should have one night of vandalism and this will accelerate the replacement process.

MR. SEGUIN: We can always get the students of the three universities to co-operate. The hippies are supposed to be in Ottawa this summer.

THE CHAIRMAN: Well, thank you very much for your report, Harvey.

MR. STEVENSON: I wonder if I could ask Dr. Forsey if there is anything you want to add on reaction to the Ottawa regional government Bill?

DR. FORSEY: I don't think so. My impression - though I haven't been following the thing at all as carefully as I should have (I have had too many other fish to fry) - my impression is that the introduction of the new municipal government scheme has not created any great dust. I don't think anybody has fears about it, saying

"This is terrible" or sensing a new era. "Oh, well, Dennis Coolican is coming back."

MR. SEGUIN: That was about it.

DR. FORSEY: "And we are going to have certain things handled by a new authority. Well, well; I wonder how much the tax will be."

MR. SEGUIN: First meeting is July 3rd, by the way. They have appointed a secretary or clerk, whatever his name is (I don't know). The first meeting is July 3rd at the Chateau Laurier in the ballroom, on neutral ground.

DR. FORSEY: The thing doesn't start work until the beginning of January, does it?

MR. SEGUIN: No.

MR. STEVENSON: Although a good deal of the staff will be hired first.

DR. FORSEY: Yes.

MR. STEVENSON: They are supposed to agree between now and then as to which roads will be regional, which will be local.

MR. SEGUIN: I wonder, will they say which roads will be paved properly?

PROF. FOX: It is a huge area, isn't it.

MR. STEVENSON: All of Carleton, plus Cumberland Township from Russell.

MR. BEER: I wonder if we can ask Mr. Seguin if his friends in the Eastview Council or administration, or French-speaking people, have discussed it with him at any time?

MR. SEGUIN: I have discussed with the Mayor, and he was opposed to it at the beginning but he has more or less made up his mind.

MR. BEER: How do they feel about the bilingual aspect of it, or do you know if they feel, for example, at this first meeting that they should make some sort of presentation about the use of French?

MR. SEGUIN: Grandmaître, I think he told me about that, that he intends to ask that French be at least recognized, not necessarily by everybody on that new board, but that is about the substance of it.

THE CHAIRMAN: Mr. Coolican survived the canoe-ing of the Petawawa rapids where there was the unfortunate accident to Blair Fraser, so perhaps he is off to a good beginning.

I would propose, in terms of future arrangements then, one or two matters. First of all, as the result of the position we have taken about working on Ontario propositions, it may be that apart from certain highly specific projects such as the task force on the national capital district, that once again we should reconsider our form of sub-committee organization. I don't want to appear to be changing this every three months, but I think we should have some review of what the decisions taken this afternoon for organization might mean to our continuing form of organization.

I am going to be away for about ten days, but I propose as soon as I come back to get together a meeting of the steering committee that established the task forces, and perhaps have some discussion about structure and organization for the next few months.

Then we did agree that unless there was occasion to convene the whole Committee on shorter notice, that we might, as a statutory basis, as it were, meet in plenary session at least once a quarter, which would make September 20th the date for the next quarterly plenary meeting. As I say, in the event that circumstances suggest at any time a meeting being called to deal with particular policy matters, as this federal-provincial discussion, again we can readily do that.

If those two suggestions would meet with your approval, I would think we can proceed on that basis.

DR. FORSEY: Who will replace Dean Lederman on your steering committee?

THE CHAIRMAN: On the steering committee, yes.

DR. FORSEY: Perhaps it is not necessary, but I wondered if you would find it useful to have somebody else.

THE CHAIRMAN: I think we would, because the steering committee as it stands - Professor Brady, Dean Lederman, Mr. Perry and myself - we should have someone else, shouldn't we?

DR. FORSEY: May I venture to suggest either Mr. Seguin or Professor Fox?

MR. SEGUIN: I will suggest Professor Fox. He is senior than I am.

THE CHAIRMAN: If you are willing, Paul, it will be a lunch meeting some time early in July.

PROF. FOX: I will be available if you want me.

THE CHAIRMAN: Thank you very much. Is there any other matter of business?

MR. SEGUIN: No, I think we will go home.

-----The meeting concluded at 3.35 p.m.

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